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No 43. One Enclosure.

Legation of the United States,
Peking, November 16th, 1880.

DEPARTMENT OF STATE
JAN 5 1881
RECEIVED

James B. Angell to
the Secretary of State.

Subject.

Incidental expense account

Synopsis.

Refers to despatch number 43
and covers a duplicate of the
account.

No. 47. One Enclosure.

Legation of the United States

Peking, November 16th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:

Referring to my despatch, number 43. I have now the honor to forward 1/47. a duplicate statement of the account which it contained.

I have the honor to be,

Sir,

Your obedient servant,

James B. Angell

Enclosure.

Enclosure.

1. Duplicate statement of Incidental expense account for quarter ended Sept. 30th, 1880.

Copy to Treasury Jany 19. 1881. WM. Crichton

Copy left at Treasury Dept by C. P. Madden

Act of present date to be sent to Treasury Jany 20. 1881 WM. Crichton

Seven Enclosures.

No 48. Legation of the United States

Peking, November 16th, 1880.

DEPARTMENT OF STATE JAN 5 1881 RECEIVED

James B. Angell to the Secretary of State.

PRINTED. FOREIGN RELATIONS 1881

Subject.

Comparative dues and duties in China.

Synopsis.

Forwards reports from some of the Consuls and letters from Prince Kung and Mr. Hart. Concludes that there is by law no discrimination made in favor of native shipping. Explains that differences and irregularities in the mode of collecting dues and duties on the part of the Native Customs make it difficult

to

to determine whether the result is an advantage or disadvantage to native shipping as compared with foreign.

No. 48. Seven Enclosures.

Legation of the United States,
Peking November 16th, 1880.

Honorable William M. Evarts.
Secretary of States.

Sir:

In my No. 41. to you, dated November 1st, 1880. I furnished such information as I had then been able to gain in answer to the inquiry whether the Chinese Government discriminates against us in tonnage dues and duties on imports. I was able to report that there was no discrimination against us in the dues and

(duties

duties collected by the so-called Foreign Customs, unless possibly there was an exception in the case of Chinese steamers bringing Government rice from the Yangtze ports to Tientsin, but that full and exact information concerning the treatment of junks was not then at hand. A circular to our Consuls and a note to Prince Kung, designed to bring out the facts in respect to junks were transmitted to you as Enclosures in No. 41.

I have now the pleasure of
1/48 enclosing Prince Kung's reply to my enquiry and also the replies, which the Consul General, and the Consuls at Foochow, Chinkiang,

Hankow,

Hankow and Newchwang have sent
to the Circular. 2-6/48

The Prince replies in substance
that foreigners and Chinese
transporting goods in Chinese craft
are treated alike and that the
duties they pay are just what
is paid on goods of a foreign
merchant unprotected by a Customs
certificate, that is, on goods imported
and then sent inland without a
transit pass; and further that
the tonnage dues paid by Chinese
craft are the same as those paid
by foreign vessels, that they are
paid at every Customs station by
the Chinese vessels, and that the
rate is the same whether the
vessels are under foreign or Chinese
charter.

charter.

So far as this is a declaration of the law, it may be taken as satisfactory. But the testimony of some of our Consuls and of intelligent persons, with whom I have conversed on the subject, compels the belief that the law is not taken as the strict guide of the officials of the so called Chinese Customs, who collect the dues and duties from Chinese junks. The answers of Consul General Denny, Consul Wingate, and Consul Shepard are clear on this point. There can be no doubt that in many cases the Chinese Custom's officers without regard to the law collect by "squeezes"

(what

what they can in payment of dues and duties. Whether this mode of collection results in an advantage or a disadvantage to the native vessels as compared with foreign, is a point on which men equally well qualified to judge differ. Probably in some cases it works one way and in others in a different way. When the official can safely "squeeze" the native trader or vessel into the payment of higher charges than are exacted from the foreigner by the Foreign Customs, he does not neglect the opportunity. But when the competition of foreign vessels with the native is close, he may accept something less than the foreigner pays, in order

order to prevent commerce from turning too largely to the vessels, which report to the Foreign Customs. Consul Shepard of Hankow, while acknowledging the difficulty of obtaining exact information, is of the opinion that the native vessels in his district have an advantage over foreign vessels. Consul Wingate of Foochow believes that at that port the native vessels pay heavier dues than the foreign, pay heavier duties on the exportation of poles (a large traffic at Foochow) and are forbidden to export certain articles to foreign countries. The only advantage which he concedes to them is that of visiting the non-treaty ports.

(J.

It will be remembered too that the junks are required by law to pay tonnage dues at every port which they enter, and do probably pay whatever is "squeezed" from them at every port, while the foreign vessels engaged in coastwise trade pay only once in four months, though they may enter several ports in that time. I suppose that Consul General Denny's remark is substantially correct that at the present time the trade carried on by the junks "is of a purely native character between coast and inland ports and does not materially affect the interest of foreigners". Still, the time has been when our vessels did a good deal of the inland

(and

and coastwise transportation and that time may come again.

I have received from Mr. Robert Hart, Inspector General of the Foreign Customs, a reply to my verbal inquiry whether the exemption from duty on a part of the cargo of the Chinese Merchant's Steamers, which bring Government rice from the Yangtsze ports to Tientsin is still continued, I enclose

7/48. a copy. He answers in the affirmative, and argues to show that the exemption practically works no discrimination against foreign vessels, Probably it is intended as a sort of subsidy; and if it were abolished, the subsidy would be continued in some form. It

Direct

direct subsidy we could not regard as a discrimination against us, but I must regard a subsidy in this form as a discrimination in respect to coastwise duties. But it is the only discrimination recognized in the Foreign Customs, and does not in fact prevent competing lines of foreign steamers from plying between Shanghai and Tientsin.

I conceive that any remedy for the irregularities in the methods of administering the Chinese Customs must be found in measures tending to place them under the direct charge of the Imperial Government. If such measures were adopted, the Foreign Powers might then

(under

under proper treaty stipulations — hold them responsible for any maladministration, which should work injury to foreign interests. — The bearing of the facts above recited and of the conclusion — drawn, upon the negotiations of the Commissioners Plenipotentiary concerning commercial intercourse will readily be perceived.

Trusting that the information I have been able to gather, — though necessarily less exact in relation to Chinese junks than — could be desired, may suffice for the present purposes of the Department,

I have the honor to be,

Sir,

Your

Your obedient servant,

James B. Angell.

Enclosures.

1. P. Kung — to Mr. Angell
   No. 89/1880. — November 5th, 1880.
2. Mr. Denny — to Mr. Angell
   No. 33 — October 25th, 1880
3. Mr. Wingate — to Mr. Angell
   No. 9. — October 27th, 1880.
4. Mr. Shepard — to Mr. Angell.
   No. 53. — Novemb. 3., 1880,
5. Mr. Scruggs — to Mr. Angell
   No. 35. — Novem. 2nd, 1880.
6. Mr. Bandinel — to Mr. Angell
   No. 57/686 — October 26th, 1880.
7. Mr. Robert Hart — to Mr. Angell.
   Novemb. 8th, 1880.

Despatch No. 45.
Inclosure No. 1.

89/1880.

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication in reply.

Referring to the arrival of the China Merchants Steam Navigation Company's S. S. "Kobsung" at San Francisco. Your Excellency some time since, addressed certain inquiries to this Office to ascertain whether the duties and Tonnage dues levied on American goods and vessels differed in any way from those levied on Chinese goods and vessels or those of any other nation, and, it will be remembered, that this Office explained in reply that no discrimination whatever was made by the Foreign Customs in levying duties and tonnage dues on the goods & vessels of all nationalities alike.

Later

Later, another despatch was received from Y.C. inquiring further whether the duties and tonnage dues levied by the Chinese Customs on vessels, or on foreign goods imported, native produce exported, or foreign and native goods carried coastwise, differed in any respect from the duties and tonnage dues levied by the foreign customs.

In reply I have the honor to state that foreign goods imported, native produce exported, or foreign and native goods carried coastwise, when transported in Chinese craft sailing under foreign flag pay duties at the Foreign Customs, when transported in Chinese craft proper they pay duties at every customs station and Lekin barrier just like the goods of a foreign merchant when unprotected by Custom's certificate.

As regards tonnage dues, the Ch'uan liao (tonnage dues) levied (on

on Chinese craft is the Ch'uan Ch'ao (tonnage dues) paid by foreign vessels, and this is paid by the former at every Customs station (Chinese) according to the regulation of the station and the rate paid is the same whether the craft be under foreign or native charter.

H. E. James B. Angell

do — do — do — do

Peking, November 5th, 1880.

Despatch No. 48,
Inclosure No. 2.

Mr. Denny to Mr. Angell,
No. 33 October 25th, 1880.

Sir:

Referring to your despatch No. 11, submitting interrogatories relating to the arrival at San Francisco of the Chinese steamer "Hochung" I have the honor to submit the following.

First There are no other or higher tonnage dues exacted in the open ports of China from the vessels of the United States resorting thereto than are paid by Chinese vessels (not junks) or any foreign vessels engaged in like trade therewith.

"Tonnage dues on vessels are collected by the Imperial Maritime Customs at the rate of 4. mace per ton of 40. cubic feet, if over 150 tons; and 1. mace pr. ton, if 150 tons or under.

Second. American citizens pay the same import duties on all merchandise

(imported

imported by them as are paid by the Chinese and subjects or citizens of all other powers according to those specified in the tariff. No higher duties are exacted or paid by them.

Third. There is no discriminating or additional customs duty imposed on American or other merchandise imported into China in American vessels, a uniform tariff exists for all nations.

The dues and duties levied by the native Customs at the treaty and non-treaty ports upon junks and merchandise carried in them vary considerably. Their trade however, is of a purely native character between coast and inland ports and does not materially affect the interests of foreigners.

I informed the Department in a despatch dated the 15th of May last of the intention of the China Merchant Steam Navigation Company

(to

to establish a line of steamers between China and San Francisco via Honolulu, and the "Ho Chung" is the first one of that line to arrive in United States waters. The "Mei foo" (Benelutha) a fine iron ship of 2000. tons just built at Shanghai will be the next to follow. There are to be three in all I believe. While it is gratifying to see China step out of the narrow path she has trod in this direction for ages past, and modestly bid for a portion of the carrying trade between the United States and her own country, it is humiliating to Americans with all their boasted enterprise on sea and land, to have Chinese steamers entering our harbors, while there is not a single steam merchant ship entering Chinese waters flying the American colors.

Now that the Chinese have concluded to enter upon this new departure, it is certainly an appropriate time to settle discriminations if there be any.

In

In this connection, I may add that as tonnage dues collected from Chinese ships entering harbors of the United States will be, like others, expended in the improvement of her harbors and bars, so those paid by U. S. vessels entering Chinese harbors should be used for the same purpose, as originally intended by the Treaties with China.

I am, Sir, etc.,

(signed) O. N. Denny

Despatch No: 48.
Enclosure No: 3.

Mr. Wingate to Mr. Angell.
No: 9. October 27th, 1880.

Sir:

I have the honor to acknowledge the receipt of your despatch No: 6. of the 11th instant, making enquiries regarding comparative dues and duties levied upon American ships and their cargoes.

Foreign vessels of all nationalities, and Chinese vessels with foreign rig, so far as relates to tonnage dues, and import and export duties, are, I understand, treated precisely alike at this port, and so far as relates to them I answer all your interrogatories in the negative.

The Customs collect no tonnage dues from junks, but they are subject to certain exactions called, squeezes, from the native customs. Junks from foreign ports, as Singapore or HongKong have to pay for entry. For this there is no known fixed rate, it depending somewhat

upon

upon the influence of the owners or supercargoes.

But the sum exacted is reported to be in excess of that collected from foreign vessels, so that it is for the interest of the merchant to import most articles of foreign manufacture in foreign, or foreign rigged vessels.

Junks have some advantage in visiting non-treaty ports. They are placed at a disadvantage in some other respects; they pay higher export duty on poles, and they are not allowed to export certain articles to foreign countries.

Citizens of the United States, have equal advantages with Chinese subjects, or citizens or subjects of the most favored nations, in importing and exporting merchandise, except as may be noted in my remarks relating to junks.

I have the honor, etc.

(signed) J. C. A. Wingate,

Despatch N°. 48.
Inclosure N°. 4.

Mr. Shepard to Mr. Angell
N° 58 November 3rd, 1880.

Sir:—

I have the honor to acknowledge receipt of your N°. 3.44. Referring to the latter I respectfully submit the following.

First. In answer to your 1st query- Experience and conference with the Custom House officials lead me to reply that all foreign vessels, of whatever nationality; are required to enter at the foreign customs, and also all vessels of foreign type owned by the Chinese (i.e. the steamers of the "China Merchant's Steam Navigation Company") and the tonnage dues collected are on precisely the same scale and terms for all.

I suppose this answers the question you wish to solve, but I think it proper to explain that altogether another system is applied to native craft proper, engaged in

(purely

purely native trade. These do not enter the Foreign but Native Customs, and pay what we call "Port Dues" and "Boat Tax". Exactly what these dues are it is difficult to learn on account of the reticence of the native officials in such matters, but they most undoubtedly give an advantage to the native over foreign vessels in local trade. I have endeavored before answering you to get definite information on the topic but unsuccessfully.

Second & Third The answer to both your second & third queries with the postscript is, "None whatever."

I am Sir. &c,

(signed) Isaac T. Shepard.

Despatch № 48.
Inclosure № 5.

Mr. Scruggs to Mr. Angell
№ 35. November 2nd, 1880.

Sir:—

I have had the honor to receive your despatch № 5, dated the 11th ult.ino, relative to tonnage and other duties, levied and collected by the Chinese Authorities at this port.

There are no direct imports or exports to or from this port and foreign ports, all imports of foreign goods, or exports of native product, are made through Shanghai and the Southern Chinese coast ports. Consequently, there are no sea going vessels plying between this and foreign ports, except an occasional English or French steamer from Hong Kong.

The carrying trade of the Yangtze ports, is done by English and Chinese steamers. (the last named being also foreign built) plying regularly between Shanghai and Hankow, also by native built, but foreign owned, sailing vessels

(Known

known as Lorchas, usually not exceeding 150 tons burden. There is also a considerable portion of this traide done by Chinese junks, frequently chartered by foreigners, though never carry foreign flags.

Many of the Lorchas fly the United States flag. They are commanded by citizens of the U. S. though the crew in every instance, are Chinese subjects. And they are provided with Consular certificates of ownership by resident United States citizens in China. It is observable however, that many of them are mortgaged, to the full extent of their value, to some Chinese subject.

Admitting, nevertheless, that in every case the alleged ownership is genuine this class of vessels can hardly be called "American", in the sense contemplated by our statutes, they could not obtain a Register or Licence under our laws; and, should they visit any of the United States

(ports

ports, would have to be classed as foreign vessels. Consequently, whilst they are entitled to protection as property owned by U. S. citizens in China, they cannot, I apprehend, lay claim to many of the privileges and immunities pertaining to bona fide American vessels.

So much by way of preliminary. Recurring more directly to your inquiries, I am assured by the Customs authorities here, that "Tonnage dues are levied "at a uniform rate, as laid down by "treaty, on all foreign vessels, and on "Chinese vessels of foreign build." Also "that Customs duties on re-imports "and re-exports &c. are uniform, "and without discrimination against "foreign traders or powers".

This is an ex parte statement of course. It is just a little evasive also. But I have no means of probing the matter further, as I am instructed by the State Department to proceed at once

(to

to Canton, and am expecting to leave by tomorrow's steamer. I apprehend however that the statement may be correct so far as it goes.

There have been no complaints of discriminations, and, it is noticeable that the number and business of the so called American Lorchas are on the increase here as at other ports.

I am, Sir, etc.

(signed) William L. Scruggs.

Despatch № 98.
Inclosure № 6.

Mr. Bandinel to Mr. Angell.
№ 57/686. October 26th, 1880.

Sir:—

I have the honor to acknowledge the receipt of Y. E's despatch № 7, referring to the questions raised by the arrival of the Chinese steamer "Hobhung" at San Francisco, and in reply to state that

First. No other or higher tonnage dues are exacted in the open ports of China from the vessels of the United States resorting thereto than are paid by Chinese vessels or any foreign vessels, engaged in like trade therewith.

Second. No other or higher Customs duties of import or export are exacted in China from American citizens importing merchandise thither or exporting merchandise thence than are paid by Chinese subjects or the citizens of the most favored power, importing or exporting the like merchandise into or from China.

Third

Third. "No discriminating or additional Customs duty is imposed upon merchandise, whether of American or foreign origin, entering or leaving the open ports of China in vessels of the United States, which is not imposed upon the like goods entering or leaving those ports in Chinese vessels or in vessels of any foreign power.

The above replies describe not only the law but also the practice of the authorities, so far as I know, especially in my Consular district.

I am, Sir, etc,

(signed) J. J. F. Bandinel

Despatch No: 48.
Inclosure No: 7.

Mr. Robert Hart to Mr. Angell,
Novemb. 8th, 1880.

Dear Mr. Angell,

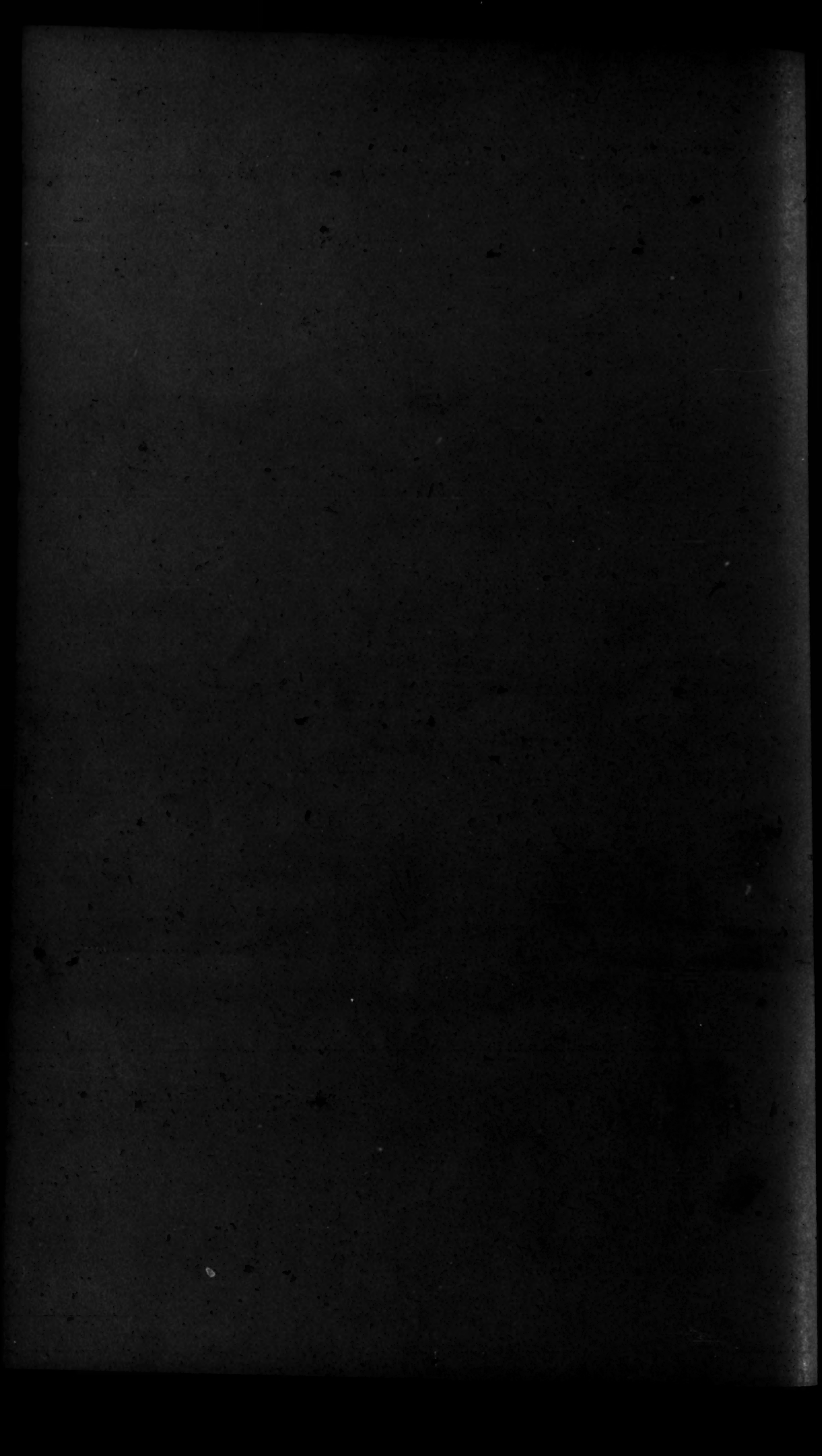
In reply to your inquiry concerning certain special advantages allowed to the Chinese Merchants S^rs steamers, I have now to give you the result of my reference to the Tientsin customs; it is, in a word, this; the rule is still in evidence and has never been rescinded, notwithstanding my belief that it had fallen into desuetude.

The rule stands thus:- Chinese junks bringing Government rice from the Yangtsze to Tientsin are allowed to carry a two tenths cargo of native produce free of duty - that is to say - a junk may bring 200 bags of produce free of duty for every 800 bags of rice carried: Chinese steamers carrying Government rice are to be dealt with similarly. It is only the Custom houses at Ningpo, Shanghai, & Chinkiang (starting point.) and

and Tientsin (Declination) that are to pass produce in this way, and the exemption applies solely to Chinese produce and not to foreign goods.

I do not think it likely an exemption of this kind creates any specially favorable condition for Chinese vessels as against foreign flags, seeing that it is limited to a few ports and a special cargo, while that cargo only comes forward at a special season and the exemption of the 2/10ths produce accompanying it is part of the payment of freight on the Government 8/10ths rice. Owners of such produce have probably to pay the amount of the duty exempted to the Str. Company, in addition to ordinary freight, and the arrangement appears to be a sort of guarantee to the rice-carrier, that, whether the Government is in funds or not, he himself can secure the payment of whatever freight (sometimes more sometimes less according to the nature of the produce) the duty exempted may be held to represent. A freighter would therefore find it as cheap to send his produce by another vessel.

Yours very truly
(signed) Robert Hart.



United States Commission
Peking Nov. 17, 1880.

Blank No. 3.

No. 401 24 | **CABLE MESSAGE.** | Wade 814 a

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Check.

A. R. BREWER, Secretary. NORVIN GREEN, President.

Peking 17-11 80

Evarts Secretary

Washington

Received at Washington DC Nov 23 1880

Two treaties signed today immigration and Commercial Swift trescot lease for Shanghai Foochow trescot bring treaties by first steamer Angell Swift trescot Seal

31 Shanghai

For the Secretary

4 pp. and 1 pp. enclosure

No. 13. One Enclosure



United States Commission.
Peking, November 17th, 1880.

1. The Commission to the Secretary of State,

Subject.

Chinese immigration treaty.



Synopsis.

Refers to the provisions of the treaty, and commends the promptness and conciliatory disposition of the Chinese Foreign Office.

No. 13. One Enclosure.

United States Commission.

Peking, November 17th, 1880.

Honorable William M. Evarts,

Secretary of State.

Sir:—

On November 6th, in despatch No. 12., we informed you that we had on that day concluded a Treaty with the Chinese Government, which would be signed in a few days and a copy of which was enclosed. On November 10th we telegraphed a brief summary of the Treaty (enclosure 1.) — and have now the honor to inform you that today

today the 17th of November, this Treaty was signed in triplicate, in Chinese and English, by the Commissioners Plenipotentiary of the two Governments.

Our former despatches will have given you a sufficient history of the negotiations but we deem it our duty to conclude with a review of the points which came under discussion.

After our first interview with the Chinese Commissioners we thought it clear that while the Chinese Government would recognize the propriety of some regulating discretion as to Chinese immigration on the part of the Government of the

United

United States, it would not consent to its formal prohibition and the absolute abrogation of the provisions of the Burlingame Treaty relating to the free intercourse between the people of the two countries. We did not think that the public opinion of the United States would require so extreme a demand and we considered our instructions as warning us not to disregard the traditional policy of the United States and in your own words to give due weight to "the widely diffused and so "to speak natural sentiment "of our people in favor of the "most liberal admission of foreign

"foreign immigrants who desire to
"incorporate themselves and their
"families with our society and
"mingle the stream of their
"posterity in the swelling tide
"of native population".

While therefore we asked in our first proposition for a recognition of the right to prohibit, we were prepared at the proper time to withdraw this extreme claim in concession to a final advance on the part of the Chinese Commissioners to such a degree of discretionary power on the part of the United States as we deemed practically sufficient to secure the control of Chinese immigration.

The

The statement of the wishes and purposes of the Government of the United States was at the opening of the negotiation, met by the Chinese Commissioners with the expression in very friendly language of their willingness to negotiate, provided no modification of the Burlingame Treaty was asked and certain propositions formerly submitted by Mr. Seward in reference to paupers, lewd women, diseased persons, and contract laborers, were taken as the basis of the negotiation.

While acknowledging the amicable spirit in which their reply was made we deemed it

it all important that the Chinese Commissioners should understand that a proper modification of the Burlingame Treaty was precisely the thing we had come to obtain and that Mr. Seward's propositions in no way furnished the basis of any negotiation which we were willing to undertake. And in this connection we found it necessary to call the attention of the Chinese Commissioners to the use of language in their formal reply, not usual between Governments, and to indicate our belief that this language had been used under an impression that the Government was not in fact

the

the representative of the sentiment of the country, an impression which they ought at once to correct. We believed that upon this discussion turned the possibility of negotiating a satisfactory treaty.

As we expected the Chinese Government promptly disavowed any intention of offence in the language used and after a full and friendly exchange of opinion, the discussion proceeded to the consideration of such a modification of the Burlingame Treaty as would be acceptable to both Governments.

Without going into a detailed history of the negotiations

(which

which has been furnished to the Department from time to time in our former despatches we may say that the Chinese Government submitted a scheme which provided:—

1st That the immigration should be "regulated" by the Government of the United States, such regulations however to be communicated to the Chinese Government for approval before going into effect.

2nd That "artisans" should not be included among Chinese laborers.

3rd That the regulation should apply only to Chinese laborers in the employ of

American

American citizens.

4th That if the regulation should extend to the limitation or suspension of such immigration, the limitation in point of numbers or the suspension in point of time should be specific.

As to the 2nd and 3rd points of this scheme it is unnecessary to repeat the obvious reasons why they could not even be taken into consideration

At this point in the discussion we deemed it best to say that while the details of the Treaty and its language were matters in which we would gladly consult the preferences of the Chinese

Government

Government, we could not consent to any settlement which did not recognize the entire discretion of the United States in dealing with this subject. We thought that any regulations to be matter of joint arrangement would only raise new questions and that the administration of any such joint regulations would in practice prove unsatisfactory. Besides which they could only be of force in Chinese ports and would be useless in regard either to Hongkong or Singapore. We thought that the simplest the directest and the only efficient plan was to give the control

of

of the subject to the Government of the United States.

We therefore communicated to the Chinese Commissioners that we would consent to strike out the word "prohibit" provided they would accept the words "regulate, limit, or suspend", being satisfied that these words covered the power to devise and enforce all necessary and proper legislation.

Upon their acceptance of this proposition, we consented to such variation of the phraseology of the articles as they desired. You will observe that this language imposes no conditions upon the discretion of the

United

United States.

That the discretion should be used reasonably – that all classes of Chinese subjects not within the scope of this Treaty should be protected in the enjoyment of such rights as are now conferred by existing Treaties and that the Diplomatic representative of the Chinese Government should have the right from time to time to call the attention of the United States Government to any unanticipated hardship that the legislation of the United States might cause, are provisions which need no comment.

As to the 4th point of the Chinese project, we were satisfied

satisfied that the necessity for such special limitation or suspension, varying according to the actual condition of the country and the character and extent of the immigration at the date of such proposed limitation or suspension, it would be impossible to devise a satisfactory specification. We thought that the principle of its right to use its discretion being once admitted as belonging to the Government of the United States, the Chinese Government should assume that we would exercise that discretion with justice and in a spirit of friendship.

We were fortunate enough

to

to satisfy the Chinese Commissioners not only of the justice of our views but of the entire good faith in which they were advanced.

In conclusion we deem it our duty to say to you that during the whole of this negotiation, the Representatives of the Chinese Government have met us in the fairest and most friendly spirit. They have been in their personal intercourse most courteous and have given to all our communications verbal as well as written the promptest and most respectful consideration. After a free and able exposition of their

(over)

own views, we are satisfied that in yielding to the request of the United States they have been actuated by a sincere friendship and an honorable confidence that the large powers recognized by them as belonging to the United States and bearing directly upon the interests of their own people will be exercised by our Government with a wise discretion, in a spirit of reciprocal and sincere friendship and with entire justice.

We have the honor to be, Sir,

Your obedient servants.

James B. Angell,

John T. Swift

Wm Henry Trescot

Enclosure

Enclosure.

1. Telegram announcing modification of Burlingame Treaty, sent November 9th, 1880.

omit

Dispatch No. 13.
Enclosure.

Telegram.

Peking, Nov. 9th 1880.

Evarts.
Secretary. Washington

Burlingame treaty modified

China consents United States

at discretion regulate limit

suspend immigration

Chinese laborers Sign

this week!

Angell
Swift
Jewett

Let a summary of this despatch be prepared for the Secretary C. P.

No. 14. One Enclosure.

DEPARTMENT OF STATE JAN 5 1881 RECEIVED

United States Commission.

Peking, November 17th, 1880.

The Commissioners to the Secretary of State.

PRINTED. FOREIGN RELATIONS. 1881

Subject.

Commercial Treaty.

Synopsis.

Covers a draft of the treaty and comments upon its provisions.

No. 14. One Enclosure

United States Commission.

Peking, November 17th, 1880.

Honorable William M. Evarts,

Secretary of State,

Sir:-

We have by despatch of same date informed you of the signature of the Immigration Treaty. We have now the honor to add that on the same day we signed another Treaty with the Chinese Government containing certain commercial clauses and clauses relating to Judicial proceeding which we thought it desirable to obtain. 1/14

At

At the conclusion of the negotiations in reference to the immigration of Chinese labor and when the terms of the various articles had been definitely agreed upon and the Treaty transferred to the Secretaries for the preparation of the formal draft, the Chinese Commissioners informed us that there was one subject which they wished to bring to our attention and upon which they deemed it desirable if possible to obtain some treaty stipulation.

They then referred to the voyage of the Chinese Merchant's Steamship the "Hocheing" - her arrival at San Francisco and the

the correspondence between the two Governments upon the subject and expressed the wish to put the rights of the commerce of the two countries as to tonnage dues and imports in the condition of reciprocity.

We took the matter into consideration and came to the conclusion that an article which would simply put such rights in the condition they would be, if the President recognizing that no discrimination existed had issued his Proclamation, would not be unacceptable to the Government. We were satisfied that there is in law no discrimination against us in respect to tonnage dues or imports (unless a species of

subsidy

subsidy to the China Merchant's Steamship Company in connection with the transportation of tribute rice from the Yangtze River to Tientsin be regarded as such) and that there is in fact none which at present is working any harm to us. If any discrimination has been thus far unlawfully attempted, the article under consideration seems to furnish the best remedy for the trouble. The Customs Department is divided into two branches, popularly known as the Foreign and the Chinese. The former, which is administered by foreigners in the service of the Chinese Government, collects all dues and duties from foreign

(vessels

vessels and from Chinese steamers and Chinese vessels of foreign build and is admirably managed. The latter collects dues and duties from Chinese junks, and is administered by Chinese provincial officers, who, whatever the law may be, in too many cases by "squeezes" collect as much as they can. Whether these "squeezes" amount on the whole to more or less than the dues and duties imposed on our commerce it is impossible to say. The opinions of our Consuls and of other persons who have all the facilities open to any foreigner for judging, are divided. The trade of the junks is almost exclusively in native produce

(transported

transported coastwise. Some ply between China and Singapore and Bangkok and Manilla; and a good many between HongKong and Chinese ports.

It has seemed to us that while with our old relations we could do very little to correct the abuses in the Chinese Customs, we can lose nothing by agreeing to the Article proposed, and the adoption of it brings two advantages.

First, it makes the Imperial Government directly responsible to us for any maladministration in the Chinese Customs, of which we may have reason to complain. Now we

have

have practically no redress.

Secondly - a treaty stipulation like this tends to diminish the power of provincial officers and to increase that of the Imperial Authorities in the administration of the Customs. Every movement in that direction is a gain for foreigners.

Having determined to accede to this request of the Chinese Commissioners we thought the opportunity a good one for asking additional articles on two subjects both of interest and both of which had been very fully discussed with the Representatives of all the Treaty Powers.

The first was the manner

of

of Judicial Proceeding. The Chinese Government in the Chefoo Convention had to some extent consented to what we asked, but that Convention has never been ratified by Great Britain and even if it had, would only be of force as between China and Her Britannic Majesty. After some discussion and some proposed amendments the Chinese Commissioners accepted the article as we had submitted with only one inconsiderable modification. We had required that in all trials before the Court of the Defendant's nationality the official authority of the Plaintiff's nationality should

" have

"have an honorable and convenient position in the Court House assigned him." The Chinese Commissioners preferred that "he should be treated with the courtesy becoming his position"; and as they had yielded what was much more important and had never yet been granted, that is the right of the plaintiff's counsel to present, examine, and cross-examine witnesses, thus enabling him to render effective service in securing justice at the first trial of any case, we did not think it judicious to insist upon our own phraseology, especially as the position of a Consular officer and the courtesy

with

with which he is entitled to be treated, are very well understood and protected by existing treaties. We think this Article an important and very useful concession, being in our opinion better in form and more efficient in its provisions than even the Chefoo Convention.

The second subject upon which we desired to obtain a Treaty stipulation was that of official communication. This subject had been long under discussion between the Chinese Government and the Representatives of the Treaty Powers and a memorandum had been addressed to the Diplomatic Body setting forth

forth the regulations upon this subject which the Yamen were willing to adopt. We proposed to convert this Memorandum into an article. We thought that if the Chinese Government were willing to adopt these regulations it would be advantageous both to it and the Treaty Powers, to put them in the shape of a Treaty stipulation at once without delaying for the termination of the long discussions over Lekin taxes and Transit passes which were waiting final settlement. Our Colleagues of the Diplomatic Body would have very willingly consented to see us obtain such a stipulation but we found the

Chinese

Chinese Government unwilling to separate this subject from the general negotiations with the Treaty Powers. As it was even uncertain whether the Government of China would finally make it an article of Treaty stipulation at all but it was almost certain that it would put it in the shape of an Edict regulating the formalities of official intercourse, we did not deem it judicious to press the point.

Having thus agreed upon two articles, we submitted a third which we wished to be made the introductory article of the second Treaty. As originally proposed by us, it was as follows:—

(Art I.

Art. I. The Emperor of China agrees to consider favorably the extension of such intercourse as may seem upon due examination to conduce to the best interests of both countries and that he will receive with careful attention any representation of the Government of the United States as to such special extension of the area of trade intercourse as the United States may desire.

To this the Chinese Commissioners objected. While it did not in explicit language bind them to anything, it might in their opinion be used as the basis of some claim for an unanticipated extension

of

of commercial relations.

Our discussion was therefore confined to the articles indicated above. When they had been perfected the Chinese Commissioners submitted a proposition which we had from information received, been expecting but of which they had so far given no sign. That was the prohibition of trade in opium to citizens of the United States. We knew that the Chinese Government was very anxious to introduce such an article in any new Treaties which they might make, [their object being if possible to isolate the British Government on this question from the other Christian Powers, and to

I must

to compel that Government to take the odium of forcing this most wicked and demoralizing traffic for the avowed purpose of financial advantage.] Since our arrival here we had had some opportunity of learning how thoroughly sincere the Chinese Government was in its desire to suppress this mischievous trade and we believed that the Government had in this effort the entire sympathy both of the Government and people of the United States.

We therefore agreed to adopt the article if the Chinese Commissioners would reconsider their refusal to accept Article I.

They

They said that they did not understand the words "trade-area" that any special extension of commercial privilege which they could understand would be considered and that if we would make the article mutual so that the Governments might appear to be dealing on an equal footing and substitute the words "extension of commercial relations" for "extension of trade area", they would accept it.

As in neither case the article imposed any binding obligation of direct action and as, it did in the form proposed, indicate the willingness of the Chinese Government to consider

(in

in a friendly and accomodating spirit the subject of the extension of our commercial relations, we thought it best to accept it.

We have the honor to be,
Sir,
Your obedient servants,
James B. Angell,
Chas. T. Scott
Wm Henry Trescot

Enclosure.

1. Draft of Commercial Treaty.

Despatch No. 14.
Enclosure.

The President of the United States of America and His Imperial Majesty the Emperor of China, because of certain points of incompleteness in the existing Treaties between the two Governments have named as their Commissioners Plenipotentiary- that is to say:- The President of the United States, James B. Angell, of Michigan, John T. Swift, of California, and William Henry Trescot, of South Carolina; His Imperial Majesty the Emperor of China, Pao Chün, a Member of His Imperial Majestop

Privy Council, and Superintendent of the Board of Civil Office; and Li Hsiang Kuo, a Member of His Imperial Majesty's Privy Council, who have agreed upon and concluded the following additional articles:-

Article I. The Governments of the United States and China, recognizing the benefits of their past commercial relations and in order still further to promote such relations between the citizens and subjects of the two powers mutually agree to give the most careful and favorable attention to the representations of either as to such special extension of commercial intercourse as either may desire.

Article 2. The Governments of China and of the United States mutually agree and undertake that Chinese subjects shall not be permitted to import opium into any of the ports of the United States, and citizens of the United States shall not be permitted to import opium into any of the open ports of China, to transport it from one open port to any other open port, or to buy or sell opium in any of the open ports of China. This absolute prohibition, which extends to vessels owned by the citizens or subjects of either Power, to foreign vessels

employed by them, or to vessels owned by the citizens or subjects of either Power and employed by other persons for the transportation of opium shall be enforced by appropriate legislation on the part of China and the United States, and the benefits of the most favored nation clause in existing treaties shall not be claimed by the citizens or subjects of either Power as against the provisions of this article.

Article 3 His Imperial
Majesty the Emperor of China
hereby promises and agrees
that no other kind or higher
rate of tonnage dues or duties
for imports or exports or
coastwise trade shall be
imposed or levied in the open
ports of China upon vessels
wholly belonging to citizens of
the United States, or upon the
produce, manufactures, or
merchandise imported in the
same from the United States
or from any foreign country,
or upon the produce, manufactures,
or merchandise exported in the
same to the United States or
to any foreign country, or

Transported

transported in the same from one open port of China to another, than are imposed or levied on vessels or cargoes of any other nation or on those of Chinese subjects.

The United States hereby promise and agree that no other kind or higher rate of tonnage dues or duties for imports shall be imposed or levied in the ports of the United States upon vessels wholly belonging to the subjects of His Imperial Majesty, and coming either directly or by way of any foreign port from any of the ports of China which are

open to foreign trade, to the ports of the United States or returning thereform either directly or by way of any foreign port to any of the open ports of China, or upon the produce, manufactures, or merchandise imported in the same from China or from any foreign country than are imposed or levied on vessels of other nations, which make no discrimination against the United States in tonnage dues or duties on imports, exports, or coastwise trade, or than are imposed or levied on vessels and cargoes of citizens of the United States.

Article 4. When controversies arise in the Chinese Empire between citizens of the United States and subjects of His Imperial Majesty, which need to be examined and decided by the public officers of the two nations, it is agreed between the Governments of the United States and China that such cases shall be tried by the proper official of the nationality of the defendant. The properly authorized official of the plaintiffs nationality shall be freely permitted to attend the trial and shall be treated with the courtesy due to his position.

He shall be granted all
proper facilities for watching
the proceedings in the
interests of justice. If he so
desires he shall have the
right to present, to examine,
and to cross-examine
witnesses. If he is dissatis-
fied with the proceedings, he
shall be permitted to protest
against them in detail. The
law administered will be
the law of the nationality
of the officer trying the case

In faith whereof the respective Plenipotentiaries have signed and sealed the foregoing at Peking, in English and Chinese being three originals of each text of even tenor and date, the ratifications of which shall be exchanged at Peking within one year from the date of its execution.

Done at Peking this day of November, 1880. Kuang Hsu sixth year tenth moon day.

Peking 17th 1880

Evarts, Secretary,
Washington

Two treaties signed today,
immigration and commercial
Swift Tuscat leave for
Shanghai twentieth Tuscat
brings treaties by first
steamer.

(signed) Angell
Swift
Tuscat

Copy all

File

No. 15. Three Enclosures.

DEPARTMENT OF STATE
JAN 5 1881
RECEIVED

United States Commission.
Peking, November 17th, 1880

The Commission to
the Secretary of State.

PRINTED.
FOREIGN RELATIONS.
1881

Subject.

General negotiations at Peking.

Synopsis.

Refers to three and states the reasons for leaving them in charge of Mr. Angell.

No. 15. Three Enclosures.

United States Commission.

Peking November 17th, 1880.

Honorable William M. Evarts.

Secretary of State,

Sir:

In our two despatches of the same date we have informed you of the signature of the two Treaties copies of which were enclosed. We also informed you of the condition of the question as to the formal communication between Consuls and the higher Provincial Chinese Authorities.

The only remaining subject

of

of discussion between the two Governments is that of LeKin Taxation including the system of Transit passes and Kindred regulations. As you are aware this subject has been for some time under consideration by the Diplomatic Representatives of the Treaty Powers in Peking.

Since our arrival here two conferences of the Diplomatic Body have been held. The result of those conferences and communication with the Yamen is at present this. The Diplomatic Corps have for many months been engaged in an effort to secure amendments to the rules which the Chinese Government have instituted

in

in respect to transit passes outwards. The Foreign Ministers have maintained that some of the rules are in contravention of treaties and that all have been often enforced in a vexatious and unjust manner. A correspondence has been carried on with the Tsung li Yamen, which bids fair to produce desirable results at no distant day. But the correspondence is not yet concluded. The positions taken by the Ministers, so far as we have been able to study them, meet with our entire approval.

The Chinese Government seem disposed to accept the rule that

that an import duty paid once for all at the port of entry shall protect foreign importation from all other duties, to whatever extent and in whatever direction such importation may afterwards pass within the territory of China. But the subject is only under consideration and there is a very serious difference between the Chinese Government and the Treaty Powers as to what the amount of such import duty should be.

At the conference held on the 15th instant Sir Thomas Wade, H. B. M.'s Minister, to whom the subject had been referred made a report, a copy

copy of which will be found in Enclosure № 1. After hearing this report, Monsieur Von Brandt, the German Minister, was requested to prepare a Memorandum, a copy of which is also enclosed (№ 2) 1/15 2/15

To this Memorandum you will find the names of the Commissioners Plenipotentiary of the United States appended signifying their entire agreement with their Colleagues.

You will observe that the question of the amount of import still remains under discussion and that when — if that can be anticipated — the Chinese Government and the Representatives of the Treaty Powers have agreed,

(then

then the whole scheme is to be
referred back to each Government
for consideration and instruction.
It is unnecessary to point out that
this involves a negotiation of no
short duration. All that we can
now properly do therefore is to give
whatever weight attaches to the
opinion of our Government, to
the recommendation of the Conference.
We do not see that any useful
purpose could be served by the
full Commission remaining in
Peking during the progress of
this discussion and the reference
home of its result.

There can be no doubt of
the great advantage to foreign
trade that the settlement of

this

this question upon the basis
indicated would be, but the
presence of the Commission
would not aid materially in
its completion. We have therefore
deemed it our duty to address
a communication to Sir Thomas 3/15
Wade as "Doyen of the Diplomatic
Corps", stating that Mr. Angell
was in full possession of the
views of our Government and
that upon our departure was
fully authorized to deal with
it in any stage of its progress
as we would have been. The
necessity of this arises from the
fact that the Commission in
its full number was invited
to participate in the Conferences
(and

and that the absence of two of its members seemed to require some explanation.

We can scarcely anticipate that any practical action in the matter can or will be taken until next Spring, when it is possible that a reference may have been made to the respective Treaty Powers and their instructions received.

Mr. Swift and Mr. Prescot will accordingly leave this Capital for Shanghai on the 20th instant, going thence to Yokohama, whence Mr. Prescot will take the Treaties by the first Pacific steamer that he can conveniently reach.

We

We have the honor to be,

Sir,

Your obedient servants.

James R. Angell.

John A. Swift

Wm Henry Trescot

Enclosures.

1. Sir Thomas Wade's Memorandum on Inland taxation.
2. Mr. Von Brandt's Memorandum on the same subject,
3. Letter of the Commissioners to Sir Thomas Wade.

Despatch No. 15.
Enclosure 1.

Memorandum on a Conference held at the Tsung-li Yamen on the 13th Nov: 1880 regarding exemption of Foreign Imports from taxation Inland.

The origin of all discussions on this point, it will be borne in mind, is the difference of interpretation put by the Chinese Authorities and the Foreign Merchant upon the

Clauses

clauses in the Treaties affecting taxation of Imports.

The construction most favourable to the Foreign merchant has been that his imports, having paid import Tariff Duty, and a half Duty, which it was at the option of the Foreigner to pay or not, were thenceforward free of all possible charge, no matter to what part of the Empire they might be carried.

Some

Some of the Treaties, it is held, would scarcely justify so sweeping a claim to exemption, but by the favoured nation clause, if so large a measure could be established under any one Treaty, all foreign traders alike would of course be equally benefited.

The Chinese have argued that the Half Duty should clear Inland Duties leviable in transitu only from port to inland market;

the

the Treaties specifying none but the Dues leviable at transit Duty Barriers. These Barriers they have multiplied at pleasure, and they have taxed Imports long before they could be said to have reached any Barrier at all.

The continual altercation to which conflict of opinion on the point at issue has practically given occasion, being scarcely less injurious to foreign interests than the unauthorized

taxation

taxation itself has proved directly
to Trade, it was proposed some time
since to draw from the Tsung-li
Yamen the suggestion of some
arrangement by which a single
payment, made in the first instance,
should clear Imports of all further
taxation whatever, throughout the
Empire.

"This was, with a certain difference,
the proposition of Sir Rutherford
Alcock when negotiating a revision

of

of the British Treaty in 1868. The Chinese Government then consented, if the option to pay or not to pay the Half Duty were extinguished — if the payment of it, that is, were made as obligatory as the Import Tariff Duty itself, — to free Imports of all taxation in the maritime Provinces. In the inner Provinces certificate of the payment of the Half Duty was still to clear Imports

in

in transitu of Barrier dues.

On arrival at inland centres they were to become liable to taxation once they were separated from their certificate. The present proposal is to effect an arrangement for the clearance of Imports by a single payment throughout the Empire.

The Ministers of the Yamên being called on to say under what

Conditions

Conditions this might be accused, promptly replied – By increase of taxation. Being pressed to State in what degree, they proposed a reference to the Provinces, and this made they signified their wish that the Foreign Representatives Conferring with them should first declare their estimate. This was the point reached before the Conference of the 13th. instant.

The

The Ground on the Foreign side taken on the 13th. instant was the following:

"The Negotiators of the foreign Treaties called in question had undoubtedly been of opinion that if the Chinese Government had secured to it the Tariff Duty, roughly estimated at five per cent ad valorem, and the Half Duty, - a total, that is, of Seven

and

and a half per cent upon value,
— it ought to be content: This
total it did not now receive.
The Customs returns of 1879 shewed
that the duties collected on Imports,
— opium excluded, — for the
right of the Chinese to tax opium
once purchased by Chinese is not
contested, was Taels 2,262,299.
Had immediate payment of
the Half Duty been obligatory, there
would

would have been farther collected the sum of Taels 1,131,149.

"The sum collected on Tamsui Tobacco, the application for these being optional, was but Taels 34,795, or little more than one third of this sum. "The obligation to pay down the Half Duty would therefore manifestly be a concession very favorable to Chinese Revenue

"This

This was stoutly denied. The Li-kin the chief item of the abnormal taxation imposition of which on his Imports is protested against by the Foreigner, amounted, it was affirmed to a far larger sum than half the Tariff duties.

Could the Yamen, it was asked, produce Statistics?

There was some difficulty about

a

a direct answer to this question;
but, in the end, it was stated that
according to the report of some
Provincial Governments the Li-kin
equalled twice, — of others, three
times the Tariff Duty. One reason
earlier given for the Yamen's
unwillingness to name the amount
to be added to the old Tariff had
been its apprehension that the
demand of the Provinces would be

far

far in excess of the expectations of Foreign Ministers; and the provincial estimates now referred to proved that the Yamen's surmise had been correct.

The natural rejoinder to these arguments was that the Provincial estimate was far too high, and that the foreigner's experience authorized a conviction, that whatever the amount really levied

but

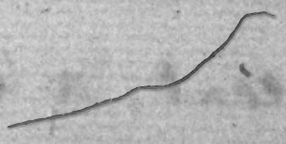
but a limited proportion of it found its way into the Public chest, Central or provincial.

These conclusions were of course deprecated, and a suggestion being pressed for as to the utmost increase of Tariff Duty that Foreign Representatives might consent to move their Governments to adopt, the ministers were assured that, taking the Tariff Duty and the Malt

Duty

Duty at Seven and a half per cent, a rise of one half per cent, or at the most of one per cent, would be regarded as a very liberal concession. An addition of a half per cent would have given in 1879 a total of Taels 3,619,677: of one per cent, a total of Taels 3,845,906.

The ministers were confident that this arrangement would not be Satisfactory to the Provincial Governments



Governments, and if not would fail of its end. In some jurisdictions at this moment, the Li-Kin, as it had been stated, equalled three Tariff payments; that is to say that including the Tariff, Import to paid twenty per cent. In other jurisdictions they paid fifteen per cent. Finally after much discussion, they expressed a belief that twelve and a half per cent, — that is a Tariff

and

and a half in addition to the present Tariff Duty, was the minimum that would satisfy the Provinces.

J. Wade.

Peking

Nov: 15. 1880.

Despatch No. 15.
Enclosure 2.

Draft of Memorandum prepared by Monsieur de Brandt, as representing the opinion of himself and his Colleagues, after hearing Sir Thomas Wade's report of his Conference with the Tsung-li Yamên on Nov. 13. 1880.

The proposal that a single payment at the port of entry should be substituted for the optional payment of the transit duty, all transit

dues

duces as well as the illegally levied inland and likin duties, seems admissible; less so the amount of this single payment as proposed by the Yamên.

By the payment of half the Tariff duty the merchant can, under existing Treaty stipulations, carry his imports, free from any taxes, duties, or likin, to any place in the interior named in the certificate.

The making the payments of the half Tariff duty compulsory, instead of

of optionals, should
therefore free all imports
from all further taxation,
whatever it may be called
or whatever its purpose,
from the port of entry
to any place in the
interior to which they
might be sent.

Admitting for argument's
sake that the Chinese
Government has the right
to tax imports ad libitum
on leaving this place
in the interior, all that
can, in justice, be claimed
by them is that the loss,
which

which may arise from
the suppression or
abandonment of this
right shall be made
good to the Chinese
Government. Imports
forwarded from a first
market to a second or
third will, as long as
the means of conveyance
remain what they are,
represent only a com-
paratively small percentage
on the whole trade,
the Chinese Government
can therefore not expect
more than a small

Compensation

compensation for the
abolition of the's rights.

As Sir Thomas Wade
has reminded his ex
Colleagues, in the Anglo.
Chinese Convention of 1868,
the Chinese Government
agreed to free imports
from all further taxation
in the Treaty port Provinces
in consideration of a
compulsory payment of
the half Tariff duty at
the Port of entry, reserving
to itself the right to
tax the imports ad libitum
in other Provinces.

If therefore Fifty

per

per cent of the tariff duty was considered a fair equivalent for all taxes, duties, or likin legally or illegally levied on the large amount of imports within the Treaty port Provinces, twenty, or at the utmost thirty, per cent of the Tariff duty would be a fair compensation for the abandonment on the part of the Chinese Government of its right or pretension to levy taxes, duties, or likin, on the much smaller amount of imports

imports reaching the other
Provinces and distributed
through them.

A proposal to this
effect seems all that
the Representatives of the
Treaty Powers could
venture to submit to their
Governments and all that
these latter would be
likely to consider.

Peking,
Nov. 16. 1880.

Despatch No. 15.
Enclosure 3.

U. S. Commission
Peking, Nov 19th 1880

Sir Thomas Wade

Sir

As we have had the honor to receive at your hand, as the representative of the Diplomatic Corps in Peking, an invitation to join you in Conference upon certain subjects of common interest to all the Treaty Powers, it becomes necessary to inform you that two of the Members of the Commission Plenipotentiary sent hither by the Government of the United States, Messrs Swift and Trescot, will leave this Capital on the 20th upon their return

home.

Of several subjects commended to our care, we have fortunally succeeded in making such Treaty arrangements as we hope will be acceptable to our Government, we would feel it our duty to remain and join in any negotiations with our Colleagues upon such subjects as remain unsettled, were it not that we feel ourselves authorized to believe from what has passed in the Conference which we have attended. that at present no further result can be obtained than a reference to their

Home Governments of such propositions as they may agree upon, by the Diplomatic representatives of the Treaty Powers. As we have already had the honor to signify our entire and cordial agreement with the views of the Diplomatic body as to the recommendation to be submitted to the consideration of the Chinese Government and upon its consent, to be refered home for approval.

We beg to inform you that any further discussion which may arise will be left to the Charge of Mr. Angell one of the Commissioners and who remains in Peking a Mem

Pln & E E.

We have the honor to be etc

(Signed) James B. Angell
John T. Swift
W. H. Tarrell

Let the Minister of the former be communicated to Mr. Scott through the British Foreign Office.
6. P.

Lothrop

No. 49. Legation of the United States.

Peking, November 20th, 1880.

RECEIVED JAN 5 1881 DEPARTMENT OF STATE

James B. Angell to the Secretary of State

PRINTED. DIPLOMATIC RELATIONS. 1881

Subject.

Wreck of the American ship "James Bailey"

Synopsis.

Reports the wreck of the "James Bailey" on the coast of Hainan, rescue of the crew, and plundering of the vessel by the natives. Energetic action of British Vice Consul Scott in behalf of the vessel. Steps to be taken in the premises.

No. 49.

Legation of the United States.

Peking, November 20th, 1880.

Honorable William M. Evarts,

Secretary of State,

Sir:—

Sir Thomas Wade, K. B. Majesty's Minister, has kindly shown me a despatch which he has received from the British Acting Consul, James Scott, of Kiungchow and Hoihow, on the Island of Hainan, giving information of the wreck of the American sailing ship "James Bailey", 1531 tons, of Portland, Main, commanded by Captain

Jos.

Jos. W. Mann,

The vessel sailed from Hongkong, October 14th in ballast for Vancouvers Island, On the 17th she was driven by a storm on to the Wenchang coast of Hainan, half way between Mouju and Tungkie Hills. The officers and crew, twenty two men in all, landed in safety. The natives speedily plundered the vessel, and attempted to prevent the men from going across the country to Hoihow. But all arrived at that port in due time and immediately asked the assistance of the British Acting Consul. That officer took up their case with an earnestness and vigor which an American officer could not

not have surpassed. He not only took affidavits of their losses, but he at once communicated with the Taotai. The Taotai and the Military Commander of the District immediately despatched a war-vessel and soldiers to protect the wreck and arrest the guilty parties. As the shipwrecked men must probably go to HongKong, I am expecting to receive tidings from the Consul at HongKong or the Consul at Canton. Should the local authorities be dilatory in bringing the guilty to justice or in securing satisfaction for the injuries done, I trust I can rely on the Imperial Government for prompt and vigorous action

which

which I shall of course demand.

Meantime I have thought it due to Acting Consul Scott to send a note to him through the British Minister, thanking him in behalf of our Government for his prompt and courteous and efficient action, and informing him that I should direct your attention to his conduct.

I have the honor to be,

Sir,

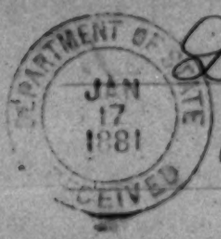
Your obedient servant

James R. Rigdl

Acts approve C.P.
Acts approve
June 20. 1881.
Mr. Cutler

Made

No. 50. Six Enclosures.



Legation of the United States.
Peking, November 20th, 1880.

James B. Angell to
the Secretary of State.

Subject.

The relations of the Commission to the Diplomatic Body.

Synopsis.

Covers copies of a correspondence upon this subject with Sir Thomas Wade and Messrs. Swift and Treacot.

No. 50. Six Enclosures

Legation of the United States.

Peking, November 20th, 1880.

Honorable William M. Evarts,

Secretary of State.

Sir:—

On Saturday, October 23rd last, I received a note from Sir Thomas Wade, Dean of the Diplomatic Corps at Peking, addressed to me as Minister of the United States and inviting me to attend a Conference of the Ministers, at which certain propositions of Mr. Von Brandt, the German Minister, on "Transit Passes Outwards" were to be considered. These propositions

(related

related to certain rules and
regulations, which it was thought
desirable to modify to some extent.

I attended the meeting and
found that the discussions took
a much wider range than my
note of invitation had given me
any reason to expect. Besides the
topic announced, the following subjects
were taken up, namely, the Wooing
Bar, Official Correspondence, and
Lekin Taxation. Though there was
no action taken, which my judgment
did not fully approve, I conceived
it my duty to send to Sir Thomas
Wade on the 26th ultimo, a note
informing him that on subjects
which might involve a
modification of treaties the

Commissioners

Commissioners Plenipotentiary were instructed to act with me as Commissioner, and asking him therefore to invite them as well as me to attend the Diplomatic Conferences, while they should remain here. I enclose the correspondence which ensued between my Colleagues the Commissioners and myself, and between Sir Thomas Wade and myself.

The Commissioners were cordially invited to the next Conference and attended, as the records of the Commission will show.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell

Enclosures

Enclosures

1. Mr. Angell to Sir J. Wade
2. Mr. Angell to Messrs Swift and Trevett
3. Messrs Swift and Trevett to Mr. Angell.
4. Sir J. Wade to Mr. Angell
5. Mr. Angell to Sir J. Wade
6. Sir J. Wade to Mr. Angell

Despatch No. 50.
Enclosure 1.

Mr Angell to Sir Thomas Wade,
October 26th, 1880.

Dear Sir Thomas,

I yesterday attended the Conference called to consider Mr. Von Brandt's propositions concerning Transit passes outwards under the impression that the subject came within my powers as Minister Plenipotentiary.

I find however that action on that subject or on some of the others submitted may involve either a modification of old treaties or new stipulations. It is my duty therefore to inform you that on all such questions and upon all matters of difference between China and the United States arising from or requiring the revision of existing treaties, the power of negotiation has been entrusted to a Commission Plenipotentiary consisting of Mr. Swift, Mr. Frescot, and myself

(with

with power conferred on any two of them to initiate and conclude whatever negotiation and sign whatever treaties or conventions they may deem necessary.

I find also that the Instructions to the Commission require them, should they deem negotiation on the subject of Lekin taxation or transit dues or any kindred subject proper and timely, to place themselves in communication with their Colleagues of the Diplomatic Corps here.

Under these circumstances it would be obviously improper for me to continue such consultation alone. May I ask you to take the necessary steps to communicate to the Commission as a Commission or else authorize me to communicate to my Colleagues the propositions of Mr. Von Brandt in order to such Conference as may be desirable, and may I also ask that during the residence of the Commissioners in China all communications on subjects

of

of a similar nature be addressed to the Commission?

With assurances of continued regard:

I am, Yours truly,

(Signed) James B. Angell.

Despatch No. 50.
Enclosure 2.

Mr. Angell to Messrs Swift and Troost,
October 26th, 1880.

My dear Colleagues,

I have the honor to send to you a copy of a communication, which I have this day sent to Sir Thomas Wade, Dean of the Diplomatic Corps.

Yours truly.
(signed) James B. Angell.

Despatch No. 50.
Enclosure 3.

Messrs Swift and Fremont to
Mr. Angell.

Dear Mr. Angell,

We have the honor to acknowledge the receipt of your note of this morning, enclosing copy of a letter which you have addressed to Sir Thomas Wade as Dean of the Diplomatic Corps at Peking.

We consider your letter as an entirely satisfactory explanation of the position of the Commission, the extent of its powers, and the relations which under our instructions, we may be called on to establish with our Colleagues here.

Yours truly,
(signed) John F. Swift
" Wm Henry Fremont.

Despatch No: 50.
Enclosure 4.

Sir Thomas Wade to Mr. Angell,
October 31st, 1880.

Dear Mr. Angell,

As I have had the pleasure to inform you personally, I communicated to my colleagues the substance of your observations regarding the Conference held at this Legation on the 25th instant, upon the taxation of Foreign Trade and similar matters, and explained to them the difficulty that might present itself in the way of your farther participation in such Conferences, alone, so long as the gentlemen included with you by the United States Government in a Commission competent to initiate and conclude negotiations on questions of the kind were here present. I do not apprehend the smallest objection on the part of anyone to the

Association

association of your fellow Commissioners in the Conferences relating to such questions. The decisions arrived at, however, therein will have to be submitted to our respective Governments, and it will be desirable of course at the same time to acquaint them with the reasons for the provisional change in the constitution of our small deliberative assembly which the introduction of the Commissioners will involve.

I take the liberty therefore of asking you to communicate to me formally copies of any papers or parts of papers, that you may conceive sufficient to supply the required information.

Our Conferences are in effect a continuation of those begun a twelvemonth since. A note of the commercial questions more or less under review shall be forwarded you without delay.

Pray believe me,

Yours very truly.

(signed) J. Wade.

Despatch No. 50.
Enclosure 5.

Mr. Angell to Sir Thomas Wade,
November 4th, 1880.

Dear Sir,

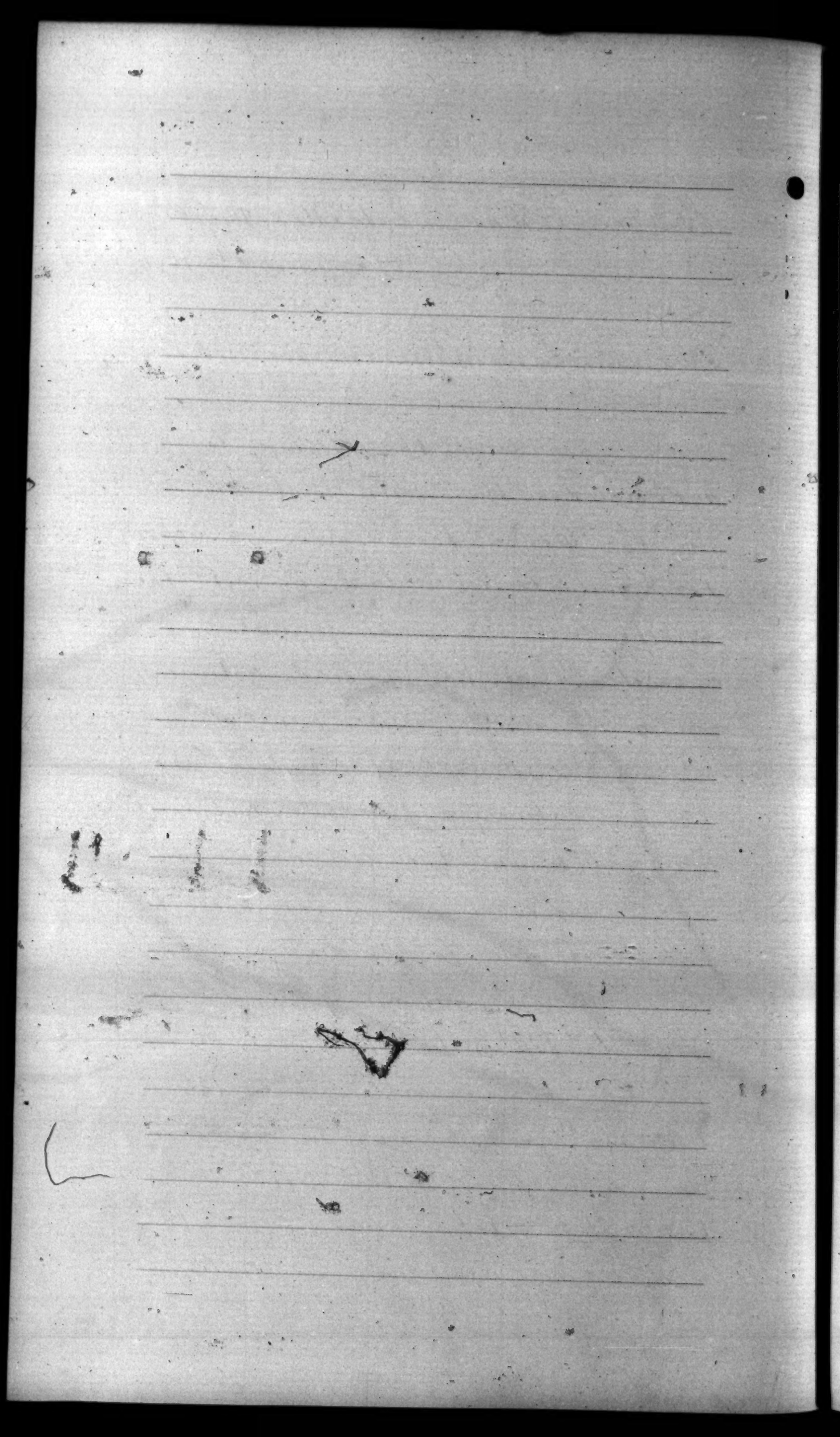
I have the honor to acknowledge the receipt of your note of October 31st.

On reflection I do not see how I can do better than to ask you to consider my note of October 20th as official.

Trusting that the statement there made of the powers of my Colleagues as Commissioners Plenipotentiary will prove satisfactory, I am, with assurances of distinguished consideration,

Your obedient servant,

(signed) James B. Angell.



Despatch No. 30.
Enclosure 6.

Sir Thomas Wade to Mr. Angell.

November 6th, 1880.

Monsieur le Ministre et Cher Collegue,

I have the pleasure to acknowledge the note that you did me the honor to address me upon the 4th instant. I laid it with the correspondence of a less formal character that had passed between you and myself, before my Colleagues the Representatives of Treaty Powers now in Peking, and I am authorized to repeat to you the assurance which I had informally given you that the presence of your fellow Commissioners will be welcome at any Conference of the Corps Diplomatic that may be held regarding the subjects with relation to which your Colleagues and yourself have been specially commissioned by the United States Government to initiate and conclude negotiations.

As

As the member of the Corps specially charged to deal with the taxation of Imports, I shall have the honor to forward you before long a note upon that subject that will briefly review the discussion which this question has occasioned and which our Conference of the 25th October, if it has not definitively disposed of it, has at least advanced to a fresh point of departure. This note I shall request you to be so good as to communicate to your Colleagues the Commissioners Plenipotentiary.

I beg to renew to you the assurance of my distinguished consideration.

(Signed) Thomas Francis Wade

Acts & others gratification at the progress made in this matter. C. P.

Sibles Jany 26. 1881 Mr. Chittenden

Mr Adee

No. 51. One Enclosure.

DEPARTMENT JAN 17 1881 RECEIVED

Legation of the United States.
Peking, November 22nd, 1880.

James B. Angell to
the Secretary of State.

PRINTED. FOREIGN RELATIONS. 1881

Subject.

Official intercourse at the Ports.

Synopsis.

Gives the results of the negotiations with the Foreign Office upon this subject. A satisfactory result has practically been reached.

No. 51. One Enclosure,

Legation of the United States.

Peking, November 22nd, 1880.

Honorable William M. Evarts,

Secretary of State,

Sir:—

There have been many interviews between the Foreign Office at Peking and the Ministers of Western Powers on the forms of official intercourse. In this country where so much importance is attached to official etiquette and ceremony, this is a matter of consequence. It was taken up in the Diplomatic Conferences of last winter. A minute from

(the

the Foreign Office accompanying Mr. Seward's No. 692. of May 27th, 1880., shows how the subject was left at that time.

On the 24th of September the Tsung-li Yamên submitted to Sir Thomas Wade, to whom the Diplomatic Body had specially assigned the management of this matter, another Memorandum suggested by personal interviews with him. Sir Thomas Wade reported this to a Diplomatic Conference held on October 25th. He was instructed by his Colleagues to ask for some slight changes in the propositions of the Tsung-li Yamên, and at a Conference held on November 15th he was able to

report

report that the changes proposed had been assented to by the Yamên. This paper as amended is herewith enclosed. The changes proposed on October 25th and adopted by the Yamên were the following. 1/51.

At the beginning of the 4th paragraph the word "henceforward" was inserted. In the third line of the same paragraph the words "incumbent on" were substituted for "open to". The first line of the 6th paragraph originally read— "The Treaties stipulate that Consuls" etc. Whereas it now reads,

"There is a difference between "the Treaties of different Powers. "In some it is stipulated that Consuls" &c.

By

By reference to the proceedings of the Commission Plenipotentiary it will be seen that an effort was made to secure in one of the Treaties negotiated the insertion of an Article binding the Chinese Government to the position they have accepted to in this Memorandum. Though that effort did not succeed, there is no reason to doubt that by proper official action the Rules suggested will be promulgated and made binding on the provincial authorities. The completion of the business with the Tsung-li Yamên is still left to Sir Thomas Wade, who hopes to report final action at no distant day.

I have the honor to be

Sir

Sir,

Your obedient servant,

James R. Boyd

Enclosure.

1. Memorandum on official Intercourse.

Despatch No. 51.
Enclosure.

Translation of Memorandum on Official Intercourse, handed to Sir Thomas Wade by the Ministers of the Yamen on the 24th September, as amended on 13th November, 1880.

The Yamen have answered, clause by clause, the Memorandum on the subject of forms of official intercourse received by them some time since.

As however the British Minister did not appear to be fully satisfied with this reply, and repeatedly urged at personal interviews such consideration of the question as would satisfactorily dispose of it, the Yamen have now drawn up a farther set of propositions on the subject, which are as follows:—

(1) [It was proposed that] "whether "at a port or in the interior, a Consular "officer having occasion to speak to "the Governor General or Governor of "a province should be assured access

(to

"to the high authority, and that when
"admitted into his Yamen he should
"be treated as a visitor, and not as
"the subordinate of the Chinese official."
At this moment, in the provinces,
the Governors General, Governors, and
Taotais, even though the rank (of the
foreign official) be not the same as
theirs, invariably treat (the foreign
official) in interviews, with the forms
due to a visitor.

Henceforward whenever (the foreign
official) have business with them, it
shall be equally incumbent on (the high
authorities) to receive him, and whenever
he is so received the forms observed shall
be as between host and guest.

(2) [It was proposed that] "in
"correspondence between Consular
"officers and provincial high authorities
"a form should be used which does not
"suggest the existence of official
"subordination or the reverse between
"the persons engaged in the correspondence.
"The form Wen yi seemed to the Foreign

(Representatives

"Representatives to satisfy these conditions,
"and they would be glad to see it used,
"instead of the forms now employed, in all
"correspondence passing between Consular
"officers and Provincial Authorities without
"regard to their rank."

There is a difference between the Treaties of different Powers. In some it is stipulated that "Consuls and "Acting Consuls shall rank with "Intendants of Circuit, and that Vice "Consuls, Acting Vice Consuls, and Interpreters "shall rank with Prefects, and shall "communicate with these officers, either "personally or in writing, on a footing "of equality". This stipulation is specially intended to indicate the conditions of relative rank, and it would not be expedient for officers in the position of Governors General and Governors to use the form even yet to Consuls and other officers indiscriminately. As however the constitution is not, in point of fact, seriously affected in this matter, some compromise should naturally be made, and it is now

proposed

proposed that, while in ordinary official matters, Consuls shall continue, as heretofore, to address the Taotai in the *Chao hui* form, and the latter shall on behalf of the Consul "report" (*chuan shen*) to the Governor General or Governor, who will continue to "instruct" (*cha hsing*) the Taotai, direct correspondence between [the higher official and the Consul] being thereby diminished, - on all matters of importance, the form of correspondence shall, without reference to the rank of the parties, be the *Chao hui* or communication.)

(3) [It was proposed that] " in official " correspondence the Consul should be " addressed as "*Kuei ling shih*", and when " he is referred to, that the name of " the Consul should be prefixed", also that "as the circles and marks drawn " on instructions from a higher official " to a lower indicate that it is in the " nature of a command, they should not " be used in addressing a foreign official".

As there is no constitutional

(objection

objection to either of these propositions, both may be acted upon.

The order of proceeding in the above propositions is agreed to by way of compromise, the motive whereof is a sincere desire to consolidate and improve friendly relations.

The Ministers can only hope that the British Minister will carefully consider them with his Colleagues.

Ack

trade

No. 52. Two Enclosures.

Legation of the United States.

Peking, November 22nd, 1880.

DEPARTMENT OF STATE
JAN 17 1881
RECEIVED

James B. Angell to the Secretary of State.

PRINTED.
FOREIGN RELATIONS.
1881

Subject.

Transit trade outwards.

Synopsis.

Gives the results of certain conferences between Mr. von Brandt and the Foreign Office, with copies of a memorandum by the latter, and a counter memorandum by Mr. von Brandt.

No 52. Two Enclosures.

Legation of the United States.

Peking, November 22nd, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Among the subjects which have long engaged the attention of the Diplomatic Body at Peking is that of "Transit Trade Outwards." It was considered at the Conferences which were held here last Spring.

My predecessor inclosed with his No. 673. of May 1st, 1880, a Memorandum and a Draft of Rules submitted to the Diplomatic Corps by Mr. Von Brandt, the—

German

German Minister. The Rules after some revision were placed before the Tsung-li-Yamen for consideration.

On the 27th of September the Yamen sent to Mr. Von Brandt a paper setting forth certain alterations which they suggested in the Provisional Rules recommended by the Diplomatic Corps. A copy of this paper is
1/52. herewith enclosed.

Mr. von Brandt submitted this communication of the Yamen with a Memorandum upon it to the Ministers at a Conference held here on October 25th. In the discussion which followed, most of the positions taken up by Mr. von Brandt in his Memorandum

(were

were approved, but some changes were made in certain amendments which he proposed to make in the Rules. I have thought I could best describe the details of the action of the Conference by annotations on the margin of the Memorandum, which is enclosed. 2/52.

On the 19th instant, the Yamên in an interview with Mr. von Brandt announced that the opposition of the provincial authorities to Rule II. and Rule III. 1 & 2. was so strong that they could not see their way clear to assent to them. But they asked him to give them in writing his reasons for urging those Rules.

At a Conference held on (the

the 22nd instant, Mr. Von Brandt read to the Diplomatic Body a draft of the reasons which he proposed to send to the Foreign Office for decining the two Rules as well as the others. The Ministers without formally adopting the whole paper authorized him to close with the statement that his Colleagues could not comprehend why Rules II. and III. should be unacceptable to them. Mr. von Brandt stated to his Colleagues that in the interview with the Foreign Office he received the impression that they were not unwilling to agree finally to the Rules, but that they wished to

to be provided with reasons to press upon the reluctant provincial officers. He will present this communication to them at an early day.

I have the honor to be,
Sir,
Your obedient servant.
James R. Angell

Enclosures.

1. Memorandum of alterations proposed by the Tsung li yamên in the Provisional Rules for "outward Transit Passes."

2. Memorandum of alterations proposed by Mr. von Brandt on the same subject,

Despatch No. 52.
Enclosure 1.

Alterations proposed by the Tsung li Yamen in the Provisional Rules.

I.

Rule I. These rules come into force on the day, moon, of the 6th year Kuang Hsü.

All outward Transit Passes, issued before this time, shall after the expiration of one year, if the merchant has not (within that time) reported for examination to the Customs Authorities, by whom the passes were issued, the native produce stated in the pass as to be bought, and the corresponding Transit certificate, be forthwith cancelled by the Superintendent of Customs and the corresponding Transit certificates be recalled: and all goods which the holders of such cancelled Passes may attempt to bring down under them will be confiscated. All transit passes

(issued

issued subsequently to the day, moon, of the 6th year of Kuang-Hsü, i.e. the time when these rules come into force, and not used within one year from the date of issue will be cancelled at the expiration of such year.

Rule 2. (addition to) No further passes will be issued to a merchant whose passes had to be cancelled their time having expired and who acts in opposition to this rule and does not surrender his pass.

Rule 3. (addition to) In all cases in which goods are to be confiscated and there are no goods which might be surrendered the value of the goods stated in the pass is to be paid by the merchant for confiscation.

Rule 5. (the following sentence is omitted) Except goods for the Northern Ports for which the Customs authorities will grant the necessary extension of time.

Rule 8. (addition to) At the time

(when

when transferring such goods the merchant shall report the nationality and the name of the merchant, to whom the goods are transferred, to the Consul, by whom they will be communicated to the Superintendent of Customs to be placed on record in order that the merchant may not throw off any responsibility afterwards.

Rule 9. is omitted

II.

With regard to the proposed rule for duty free native produce we find that such are not mentioned in the treaties and have therefore expunged this rule,

III.

Rule 2. Native produce bought in the interior or at the port has before goods are manufactured from it, to be first reported to the Customs authorities for examination. When exported such manufactured goods shall pay the export duty according to their present form. If carried coastwise they will be

(treated

treated like native goods

Despatch No. 52.
Enclosure 2.

The notes on the margin describe the action taken by the foreign ministers at the conference held Oct. 25th, 1880.

Memorandum on alterations proposed by the Tsung li Yamen or Mr. Von Brandt on the Provisional Rules for Transit Passes outwards.

Rule I. 1

Mr. Von Brandt's suggestion approved, and Rule I. 1 as altered accepted.

There seems to be no objection to the alteration of Rule I. 1 as proposed by the Yamen, the rule being in fact little more than a paraphrase of the one originally proposed by the foreign Representatives.

Rule I. 2

The addition to Rule I. 2. approved.

The addition to Rule I. 2. proposed by the Yamen does also seem acceptable; it has been indeed already accepted by the German Empire for transit passes inwards, in §7. of the Supplementary Rules to the Additional Convention of March 31st, 1880; a similar rule being contained in Rule IV. of the Supplementary Rules to the British supplementary

Convention

Convention of Octob. 24th, 1869.

Rule I. 3.

The addition to Rule I. 3. accepted.

There seems to be no objection against the principle announced in the addition to Rule I. 3. proposed by the Yamen, that in the absence of goods subject to confiscation, their value as given in the transit certificate should be paid as a fine by the merchant guilty of a transgression of the rules.

Rule I. 5

The Yamen's proposal rejected and ctr. von Brandt's exception insisted on.

The proposal of the Yamen to expung from the rules the exception in favor of goods for the Northern ports seems unacceptable in view of the fact that it may be impossible to tranship the goods within the time specified. The rule ought therefore to be maintained or rather extended so as to give power to the Customs on application, to grant an extension of the time

time for reshipment, in every case where it is proved to their satisfaction, that shipment within the prescribed time will be impossible.

Rule I. 8
Yamen's proposal accepted, but phraseology to be made clearer.

There seems to be no objection to the proposal of the Yamen that the name of the merchant, to whom the goods are transfered, should be communicated to the Consul and through him to the Superintendent of Customs

Rule I. 9
Yamen's proposal rejected. Joint jurisdiction to be insisted on.

The proposal of the Yamen to omit Rule I. 9, is unacceptable; the joint jurisdiction in all cases of fines or confiscation being the necessary corollary to the concessions made by the foreign Representatives in the proposed Regulations.

There seems further to be no reasonable ground why the procedure agreed upon in 1868 and accepted by the Chinese

Chinese Government as well as the Governments of the Treaty Powers with regard to confiscation and fines, which was inserted also in the British Supplementary Convention of 1869, Art. IX. should not be kept in force also with regard to the Rules now under consideration.

Rule II. The assertion of the Yamen that no duty free native produce exists, has no foundation whatever as can be seen by British Treaty of 1858. Rules, rule II, where it is expressly stated that the above mentioned articles pay no import or export duty. The rule expunged by the Yamen will therefore have to be reinserted.

The rule expunged must remain

Rule III. The alteration proposed by the Yamen seems neither practical nor practicable and ought to be rejected.

Yamen's alteration rejected.

In addition to the alteration proposed by the Yamen some

other

other alterations and additions might be introduced with advantage into the proposed Rules, the acceptance of some of the proposals made by the Yamen giving sufficient cause to the foreign negotiator to make some new proposals also on his part.

Rule I. ¶ Add to: "At the arrival of the produce at the barrier nearest the port or, where there is no further barrier, between the one at which the transit certificate was issued and the port, at the Custom house....."

Insert after the word "barrier" the words "*" on the shortest and most direct line".

This addition seems desirable especially with reference to Hoihow and Pakhoi, in order to avoid the necessity of produce bought at the mainland having to pass through Hainan.

(As

As a further addition to this rule the following might be proposed.

"In case of alleged damage or deterioration of goods en route, the Customs on the application of the merchant will inspect the goods, and if the damage etc. be proved, grant a proportionate diminution of the Transit Dues."

The proposed addition approved

This form of amendment rejected

The same object might perhaps be obtained by inserting in Rule I, 7, after "while at the port" "or en route", and after "a reduction in the amount of export duty" "or transit dues".

The Chinese translation of Rules II and III 1 and 2 having seemed on further consideration to be liable to misconstruction on the part of

of the Chinese Authorities it is proposed to adopt in their place the annexed Chinese version of which the following is the exact English translation.

Rule II. Rule II. Whenever any native produce declared to be exempt from tariff import and export duties by Rule 8. is shipped, it is to be shipped accordingly exempt from Tariff export duty; (but when relanded it is to pay a coast trade duty, while exempt according to rule from Tariff import duty.) ets for this coast trade duty, its amount is declared to be 2½ per cent ad valorem

The passage in brackets amended thus " when relanded, it is exempt according to rule from Tariff import duty, but it has to pay a coast trade duty."

Rule III Rule III. 1. Native merchandize bought at the port is to pay tariff (export

This to be substituted for the original

export duty when shipped, but is not to be called on to pay any other duty or tax whatsoever. With the sole exception of native merchandise brought from the interior under Treaty transit passes, all native merchandise to be shipped is to be considered as bought at a port and treated accordingly.

Rule III. 2. 2. Native goods manufactured at a port from native produce whether arrived there under transit passes from the interior or procured otherwise, pay tariff export duty on shipment, but are not to be called on to pay any other duty or tax whatsoever.

Strike out first word "native."

U. S. Commission
To China
Shanghai. Nov. 29. 1880

DEPARTMENT OF STATE
JAN 7 1931
RECEIVED.

PRINTED.
FOREIGN RELATIONS.
1881

Hon
Wm. M. Evarts
&c &c &c

Sir

By the last dispatches and telegrams from the Commission, you were informed that the Treaties had been signed and that Messrs Burlingame and Frelinghuysen would leave for Shanghai on the 20th and that Mr Frelinghuysen would bring over the Treaties by the first Pacific Steamer that he could reach from this point.

We left Pekin on the 20th and reached Shanghai on the 27th. The Steamer connecting with the Pacific line at Yokohama, leaving on the 30th Mr Frelinghuysen will so has gone in her to take the City of Pekin at that port on the 8th Dec.

We keep for the present remains at Shanghai.

We hope that our action will meet your approval as for the reasons stated in former dispatches we considered that nothing further could be accomplished by the residence of the Commission in Pekin during the Winter.

Had we remained, it would have been necessary for Mr Lampt, after the 1. December to make other arrangements for a residence at great inconvenience and undesirable expense.

In this connection we feel it to be our duty to express our grateful acknowledgement of the Hon. Wade, H.B.M. Minister's courtesy to the Commission in placing at their disposal a house within the precincts of the British Legation. This kind and considerate offer enabled the Commission to establish themselves during their stay in Peking, with a degree of comfort that would have been otherwise impossible.

On our way from Peking to this place we stopped at Tientsin long enough to pay our respects to the Vice Roy Le. hung-chang. We were received by that very eminent statesman with marked consideration. He also [illegible] wished to express to us his great satisfaction at the negotiations of the treaties and at the spirit with which he had learned from the Yamen that all the discussions had been conducted. He said that he was especially pleased with the article in the Commercial treaty relating to the opium trade - that it was the earnest desire of the Chinese government to procure the insertion of such an article in any and all new treaties that might be made - [that it had been pressed upon the Brazilian Envoy

ment on the recent negotiations but that all that could be obtained was the exchange of despatches condemning the trade, the Brazilian Government being unwilling to offend England by a treaty stipulation on the subject] the action of the U.S. would be felt competent to strengthen the hands of the Chinese Government and enable them to resort to more direct and efficient legislation than had yet been attempted. He further expressed his entire satisfaction with the Immigration treaty as being just and honorable to both governments and his perfect confidence that the power recognized as belonging to the U.S. would be exercised in a fair and friendly spirit. He concluded by saying that cordial as the relations between the two countries had always been, these treaties had brought them together on a still closer, surer and more permanent friendship.

I have the honor to be
very respectfully
Your
Obt. Servt.
John T. Swift

Hon. Henry Prescott

DEPARTMENT OF STATE
JAN 17 1881
RECEIVED

No. 53. One Enclosure.

Legation of the United States.

Peking, November 29th, 1880.

James B. Angell to the Secretary of State.

Subject.

Legation rent account.

Synopsis.

Refers to despatch number 32. and forwards a duplicate of this account for the quarter ended September 30th, 1880.

No. 53. One Enclosure

Legation of the United States.

Peking November 29th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:-

Referring to my despatch number 32, I have now the honor to transmit herewith, 1/53. a duplicate statement of the rent account of this Legation for the quarter ended September 30th, 1880.

I have the honor to be,

Sir,

Your obedient servant

James B. Angell

Enclosure.

Enclosure.

1. Duplicate statement of Legation rent account for the quarter ended September 30th, 1880.

Ack

Ack - refer to Mr. Scanlan C.T.

No. 54

made

Legation of the United States.

Peking, November 29th, 1880.

James B. Angell to

the Secretary of State.

Subject.

Customs Gazette.

one copy to Bureau of Statistics, Dept of State
one to Library, do.
Sent to Library January 18, 1881
Mr. Crider.

Synopsis.

Forwards two copies for the quarter July - September, 1880.

No. 54.

Legation of the United States.

Peking, November 29th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:-

I have the honor to forward herewith, under separate cover, two copies of the "Customs "Gazette, No. XLVIII. July "September, 1880."

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell

Ask

Made

No. 55.

PASTIME JAN 17 1881 CEIVED

Legation of the United States.
Peking, November 29th, 1880.

James B. Angell | to
the Secretary of State.

Subject.

Men of war at Lientsin.

Synopsis.

"Ashuelot" and English, French, and German vessels stationed at Lientsin for the winter. No present prospect of any outbreak.

No. 55.

Legation of the United States.

Peking, November 29th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:-

I have received information from Commander M. L. Johnson, commanding the United States steamer "Ashuelot," that in obedience to orders from Rear Admiral Clitz, he has come to Tientsin with his vessel to remain through the winter for the protection of our citizens.

The British, the French, and

and the Germans have each a gunboat stationed there for the winter. Contrary to his usual custom the Viceroy of the Province will not reside at Pao ting fu this winter, but will remain at Tientsin.

At present no ground of solicitude for the safety of foreigners is apparent. There seems to be no prospect of an outbreak of war during the winter.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell.

Ask

Made

No. 56.

DEPARTMENT OF STATE
JAN 17 1881
RECEIVED

Legation of the United States.
Peking, November 29th, 1880.

James B. Angell to
the Secretary of State.

Subject
Death of Francis P. Knight.

Synopsis.
Mr. Knight died, by his own hand, on the 8th instant at Shanghai. Financial troubles the cause.

No. 56.

Legation of the United States.

Peking, November 29th, 1880.

Honorable William M. Evarts,

Secretary of State.

Sir:—

It is my sad duty to inform you that I have received from Consul General Plumy the announcement of the death of Mr. Francis Parkman Knight on the 8th instant at Shanghai by his own hand. His papers indicate that for some months he had at times contemplated this act

act in view of business
embarrassments from which
he saw no way of "
extricating himself.

Mr. Knight, as you are
well aware, had held the
office of Consul at "
Newchwang for some years,
and discharged the duties
of the office with intelligence
and fidelity. He was also
a Commissioner for China
at the International "
Exhibition in Philadelphia
in 1876. It is, I believe, "
largely if not chiefly due
to his efforts that a "
Professorship of the Chinese
language has been "
established

established at Harvard College.

Mr. Knight was, I think, a native of Boston. He was a man of many amiable and attractive qualities.

I have the honor to be,
Sir,
Your obedient servant
James B. Angell

No 57.

DEPARTMENT OF STATE
JAN 17 1881
RECEIVED

Legation of the United States.
Peking, November 30th, 1880.

James B. Angell to
the Secretary of State.

Subject.

Receipt of telegram.

Synopsis.

Department telegram in cipher of November 18th to the Commission has been received.

No. 57.

Legation of the United States.

Peking, November 30th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:-

I have the honor to acknowledge the receipt this day of a cipher telegram dated Washington November 18th, and which reads as follows:- "Angell, Swift "Luseot, Commissioners, Peking. "I congratulate you on "rapidity and success of "negotiations. Evarts." "

I have the honor to be,

Sir.

Sir.

Your obedient servant.

James B. Angell

Ack

Made

No. 58.

Legation of the United States.

Peking, November 30th U. 1880.

DEPARTMENT OF STATE
JAN 17 1881
RECEIVED

James B. Angell to the Secretary of State.

PRINTED.
FOREIGN RELATIONS
1881

Subject.

Inland taxation on foreign goods.

Synopsis.

Refers to Commissioners despatch, number 15. and gives a summary of the recent discussions with the Foreign Office upon the subject.

No. 58.

Legation of the United States.

Peking, November 30th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Mr. Seward, in his number 665. of April 22nd, 1880. informed the Department that among the subjects taken up at that time by the Diplomatic Body here for joint consideration, was that of Inland Taxation of goods imported into China. Sir Thomas Wade, Her Britannic Majesty's Minister, was

was charged with the presentation of the subject to the Tsung-li Yamên.

At the meeting of the Diplomatic Body held October 28th, Sir Thomas made a verbal report of his interviews with the Yamên in the matter. He announced that he had been brought to the conclusion that the Foreign Office would be willing to assent to the imposition of a fixed duty, higher than the present tariff prescribes, on the payment of which the goods imported could be exempted from all further taxes of every

kind

kind no matter into what part of the Empire they might be carried. The Ministers present expressed themselves as disposed to recommend to their respective Governments the adoption of such a plan, provided the import duty was fixed at a reasonable rate.

At the conference of November 15th, Sir Thomas Wade presented a written report, which will be found appended as an enclosure to the despatch number 15. of the Commission Plenipotentiary.

It will be seen that Sir Thomas had taken as the

the basis of his argument with the Foreign Office the fact that in 1868, in negotiating with Sir Rutherford Alcock, they had consented to accept the payment of an import duty of seven and one half per cent in lieu of the import duty of five percent and all inland taxation in the treaty port provinces. When called on to name a rate which would now be satisfactory, they mentioned twelve and one half per cent. Sir Thomas however received the impression that they would be willing ultimately to fix

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a rate intermediate between seven and a half and twelve and a half. The views of the Ministers and of the Commissioners Plenipotentiary are expressed in a Memorandum on Sir Thomas Wade's report, drawn by Mr. von Brandt, the German Minister. A copy of this Memorandum is also enclosed with number 15. of the Commission to the Department.

Sir Thomas Wade is still continuing discussions of the subject with the Foreign Office.

I have the honor to be,

Sir

Sir,

Your obedient servant.

James B. Ansell

Ack

Made.

No. 59. Two Enclosures.

Legation of the United States.

Peking, November 30th, 1880.

James B. Angell to

the Secretary of State.

PRINTED.
FOREIGN RELATIONS.
1881

Subject.

Tonnage dues and duties in China.

Synopsis.

In answer to Department instruction number 28, forwards reports from Consuls at Ningpo and Canton, with comments.

No. 59. Two Enclosures.

Legation of the United States.

Peking, November 30th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I enclose herewith replies which I have received from our Consuls at Kiungchow and Canton to my Circular making inquiries about tonnage dues and duties on imports and exports. 1/59. 2/59.

You will observe in them the same difference of testimony as you have seen in the Circular replies previously

previously forwarded. They agree that no discrimination is made in respect to vessels which report to the foreign Customs. In respect to the native craft the Junks — Consul Lord, while affirming that no one can know what is the practice, yet doubts whether any discriminations exist. Consul Lincoln, on the contrary, reports that it is generally believed by foreigners that at Canton the tonnage dues on native craft, and the duties on native goods imported in them, are at least thirty per

cent

cent less than our foreign vessels and their cargoes.

These statements go to confirm the theory I have previously advanced that the usage differs in respect to ports at different ports. How far our Government, which excludes altogether all foreign vessels from engaging in our coasting trade, may deem it necessary to take this into consideration, it is not for me to suggest.

I have the honor to be,

Sir,

Your obedient servant,

James B. Angell.

Enclosures.

Enclosures.

1. Mr. Lord to Mr. Angell
   No. 137. November 6th, 1880.
2. Mr. Lincoln to Mr. Angell
   No. 65. November 2nd, 1880.

Despatch No. 59.
Enclosure 1.

Mr. Lord to Mr. Angell.
No. 137. Novemb. 6th, 1880.

Sir:—

I have had the honor to receive your despatch No. 6. in which answers are requested to certain questions relating to the taxes levied in China on American commerce compared with those levied on the commerce of her own people, or the people of other countries.

In reply I will here quote your questions and answer them seriatim.

First, are any other or higher tonnage dues exacted in the open ports of China from the vessels of the United States resorting thereto than are paid by Chinese vessels or any foreign vessels engaged in like trade therewith?"

So far as concerns vessels that are required to report to the general customs, the Customs under foreign inspection (and this includes all vessels

(under

under foreign flags and all Chinese vessels that are registered) there is but one rule - they all pay the same tonnage dues. There are however a good many native vessels that are not registered, or they are not so registered as to be required to report to the Imperial Customs. They report only to the local Customs, and what, if any, tonnage dues they pay, we have no means of ascertaining. But they are engaged only in the coast trade, and fisheries, and rarely if ever carry foreign goods. The presumption is that the charges to which they are subjected are not - larger than they would be if they were registered as in that case they would apply for registers; and that they are not much smaller, as some do apply for register.

"Second, are any other or higher - Customs duties of import exacted, in China, from American citizens importing merchandise thither, than are paid by Chinese subjects, or the citizens of the most favored power, importing the like merchandise into China."

C. P.

No. So far as duties are collected by the Imperial Customs there is but one law and one practice. The Tarif rules, and shows no favor or disfavor to nationalities. And what is true of imports is true of Exports.

"Third, is there any discriminating or additional Customs duty imposed upon merchandie, whether of American or foreign origin, entering the open ports of China in vessels of the United States, which is not imposed upon the like goods entering these ports in Chinese vessels, or in vessels of any foreign power."

No, Vessels, persons, and goods, in China are both in law and practice treated equally. No favors or disfavors are shown to anyone or to anything. Nor do I see how any discriminations could arise under the favored nation clause found, I believe, in all the treaties, so far as foreign nationalities are concerned. China might make discriminations in favor of her own vessels, her own goods, and her own people. But as yet she

has

has not done it, of course, I speak, as before intimated, only so far as relates to the Imperial Customs. What may be the practice in the local Customs, which still have control over a large portion of the old junk trade, no one can know. But so far as this port is concerned I doubt whether any discriminations exist,

I have the honor, etc.

(signed) Edward C Lord,

Despatch No. 59.
Enclosure 2.

Mr. Lincoln to Mr. Angell
No. 65. Novemb. 2nd, 1880.

Sir:—

I have the honor to acknowledge the receipt of your despatch No. 4, of 22nd ultimo.

In reply I have to say that during my administration of this office I have never known of an instance at this port, wherein higher tonnage dues have been exacted from merchant vessels of the United States than are prescribed by Treaty of 1858, (Art. 16.) or than are paid by merchant vessels of other foreign countries. The same remark applies to duties on imports and exports in foreign craft.

I cannot state positively whether the tonnage dues exacted from native merchant sailing vessels are the same or not as it is impossible to obtain reliable information from the Authorities at the native Custom house, where all such craft enter and pay dues

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and duties. It is however firmly believed by foreigners that the tonnage dues on native craft and duties on goods imported in them are at least 30% less than on foreign vessels and their cargoes. This remark does not however apply to the Chinese merchants Steam Navigation Company's Steamers as they enter and pay dues and duties at the foreign Customs.

I regret that I do not clearly comprehend your meaning as to what answer to these enquiries will describe not only the law but also the practice of the Authorities &c. The foregoing I think is as descriptive of the practice at this port as I am at present able to give.

I have the honor, etc.

(signed) C. P. Lincoln

Ack F.R. 1881.

Made

No. 60. Two Enclosures.

DEPARTMENT OF STATE
JAN 17 1881
RECEIVED

Legation of the United States.
Peking, November 30th, 1880.

James B. Angell to
the Secretary of State.

PRINTED.
FOREIGN RELATIONS.
1881

Subject.

Procedure in Mixed Court at Shanghai.

Synopsis.

Refers to Department instruction number 27, and covers a report from Consul Henry. Mr. Parry's statements not borne out by the facts. Procedure much improved in consequence of efforts of foreign

Councils and Assessors.

No. 60. Two Enclosures.

Legation of the United States.

Peking November 30th, 1880.

Honorable William M. Evarts,

Secretary of State.

Sir:—

On receiving your instruction number 27th of August 16th, 1880. calling attention to certain allegations, found in a circular issued by Mr. Francis Parry of England, of inhuman proceedings in the Mixed Court of Shanghai, for which he intimated the foreign Consuls are in some degree responsible,

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1/60. I at once called the attention of Consul General Fleming to the matter.

I have received a

2/60. reply from him, a copy of which I enclose. It is so full that I need say but little on the subject.

Mr. Parry has probably given the impression that the foreign Consuls have a larger responsibility for the procedure in the Mixed Court than that which they can really exercise. The Court is a purely Chinese Court which administers Chinese law. Neither the Consuls nor their representatives, the

Assessors

Assessors can perform any other function in the Court than to be present and watch the proceedings and question witnesses in order to see that justice is done to the citizens of the nation they represent, or to protest if injustice is done to such citizens. In all cases between Chinese and foreigners, the case is tried in the courts of the defendant's nationality, the proper official representing the plaintiff's nationality being permitted to be present to watch the proceedings in the interest of the plaintiff, but having no direct voice

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in the judgment.

It has been thought, and I believe justly, that the frequent presence of foreign Assessors in the Mixed Court of Shanghai has done much to ameliorate its procedure, and that in respect to humanity it presents a most favorable contrast to most Chinese courts. Unhappily the Penal Code of China does sanction the torture of witnesses and corporal punishments, which seem to us barbarous. And we cannot indulge very sanguine hopes that the most vigorous representations of foreigners

foreigners can make of their repugnance to such usages will speedily work a radical change.

But our Consul General has instructed our Assessor to protest against the use of the cangue and of the bamboo in cases in which he appears. It is true that, in the past, punishments in excess of the hundred blows allowed by law have been inflicted. But as none such have been administered since Mr. Kleiny has been at Shanghai, it is perhaps justifiable to infer that an improvement in this respect has

has taken place. It is to be observed, also, that the Magistrate of the Court asserts &c., that owing to the objections of foreigners to the use of the bamboo, it is now usually resorted to when the assessors are not in attendance, and, in the opinion of the Consul General, is now rarely employed by the United Court Magistrate.

It would seem that there is some error in respect to the report of the case which is described as a particularly shocking one of torturing a prisoner in the

the presence of a United States Assessor, the case of Shun Chi sz, charged with abduction. The Consul General reports that there is no such case on the official records.

I think then that, so far is it from being true that the foreign Consuls, and particularly that the American Consul General and Assessor are implicated by acts of commission or of omission in countenancing or tolerating inhuman punishments ordered by the Mixed Court of Shanghai, the fact really is that by their

their efforts and by the presence of the Assessors in that Court, the procedure in it has been ameliorated and improved as it has been in no other purely Chinese Court in the Empire.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell.

Enclosures.

1. Hon. Angell to Hon. Henny
No. 12. October 12th, 1880.
2. Hon. Henny in response.
No. 35. November 11th, 1880.

Despatch No. 60.
Enclosure 1.

Mr. Angell to Mr. Denny,
No. 12. October 12th, 1880.

Sir:—

A Mr. Francis Parry has issued in London a circular, dated July, 1880, concerning alleged inhuman proceedings in the Mixed Court at Shanghai. The State Department has directed my attention to the subject and informed me that the circular has called out a considerable amount of unfavorable comment from the English press upon the action of the Mixed Court. If I rightly understand Mr. Parry he aims to convey the idea more or less clearly that inhuman practices are sanctioned by the foreign assessors who sit with the Chinese magistrate and that at any rate the foreign Consuls or Ministers might do more than they have done to mitigate the punishments or improve the penal Code of China.

I quote the important part

of

of his Circular,

× × × × × × × × × ×

"As to the sentences of the Court, those in excess of 100 blows are, — according to the Chinese Code illegal; the punishment of the cangue or huge wooden collar is a torture; beating on the face is a mutilation; the most severe is the remission of persons convicted of capital and heinous crimes to be judged, tortured during examination, and imprisoned by the Higher Court of the District Magistrate in the native city. This remission is not the ordinary — "extradition" provided for in the Treaty of Tientsin, Art. XXI.; the criminal is not demanded by the city authorities, the rendition is a matter of convenience."

"These matters demand rectification. The association of the Foreign Consul with the Chinese mandarin is a point of contact capable of being made the inlet for that regard for humanity common to civilization; the base of all the humanities."

(Japan

"Japan has abolished judicial torture. Turkey no longer legalizes the mutilation of offenders. China has yet to gain a good name by repressing the cruelty which is the marked characteristic of her judicial system."

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Of course it is well understood here that the Mixed Court is a Chinese Court, administering Chinese law, and also that any attempts to reform the penal code of China can be rewarded with only slow progress. But all the Consular and Diplomatic Representatives of Western nations certainly desire to do what they may to improve the judicial proceedings, especially in a Court in which foreign assessors sit, and to set forth the facts to their own Governments with such distinctness as to relieve themselves from the suspicion of encouraging inhumanity or even of tolerating it when they can prevent it.

As the Mixed Court at Shanghai necessarily falls under your personal observation, I think it my duty to invite

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from you any statements or suggestions, which the above extract from Mr. Parry's circular may prompt you to make, I would especially ask you

1. Whether punishment in excess of 100 blows is according to the Chinese code illegal? Mr. Parry names eleven cases, in which during 1879. (the United States Minister sitting) more than 100 blows were given.

2. Is beating to extort confession ordered by the Court? Mr. Parry cites a case, March 20th, Dr. Megowan Minister, in which it is stated that 50 blows were given for this purpose, and there failing of the result, 30 more. It is called the Shun che sze abduction case.

I am, etc. etc.

(signed) James B. Angell

Despatch No. 60.
Enclosure 2.

Mr. Denny to Mr. Angell,
No. 35. Novem. 11th, 1880.

Sir:—

Complying with the request contained in your No. 12, relating to a circular issued by one Francis Parry calling attention to certain alleged inhuman proceedings in the so called Mixed Court at Shanghai. I beg to submit the following comments.

I may say in the beginning that, perhaps there is no institution in China, which foreigners are supposed to know of, whose organization, powers and duties, are so little understood as the so-called "Mixed Court" here. It perhaps takes its name from this fact, for certainly it is not "mixed" in any other sense.

It was organized in 1864 by local officials and approved of by the Tsung-li Yamen who issued a limited and imperfect set of rules for it in 1869.

This Court is presided over by a

Chinese

Chinese Judge who administers Chinese law, according to the rules and precedents which have governed in Chinese Courts for centuries past. The only difference between it and other native courts being a Court designated by the Chinese authorities in which may be tried suits between natives residing within the foreign settlement, and where the wrongs committed by Chinese against the rights of foreigners either of person or property may be redressed without their Consuls being compelled to go to the Taotai and then the case referred by him to the District Magistrate, that is to say a kind of deputy court of the District Magistrate,

As it would neither be advisable nor practical for the Consuls to attend in person such a Court, it has been so arranged that Interpreters of the different Consulates may appear for the Consuls, to sit with the native Judge to watch the proceedings in the character of Assessors, but who in reality are not Assessors at all, as they cannot interfere

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in the least with the proceedings, or judgments of the Court even when their own nationals are concerned. For this reason I have instructed the Interpreter of this Consulate to appear in the so-called "Mixed Court" only when citizens of the United States are in some way interested in its judicial business and this for the purpose of watching and reporting the proceedings to me; when, in my opinion, justice is not done, I shall continue as heretofore to apply to the Customs Taotai (Superintendent of Trade) to correct the injustice.

The Treaties provide that, cases arising between subjects of China and citizens of the United States shall be tried in the Court of the Defendant, and the one in question has been established by the Chinese authorities for convenience sake, for the trial of suits when the defendant is a Chinese subject, just as the United States Consular Courts have been designated for the trial of cases when

(the

defendant is a citizen of the United States, and one is just as much a Mixed Court as the other: one administers the laws of China, the other those of the United States, and under the Treaties Chinese officials have the same right to appear and take part in the proceedings in our Consular Courts, when the rights of their people are involved as our officials have to appear in a Chinese Court and take part when the rights of our citizens are concerned.

The use of the bamboo and the cangue as a means of punishment is certainly objectionable in the extreme; even revolting to Western ideas in the administration of justice. But so long as it remains a part of the penal code of China and continues to be enforced by the Chinese authorities as the most popular punishment inflicted upon offenders in minor cases, it is useless for foreigners to enter their protests before petty officials.

There is not an observer perhaps

who

who visits the so-called "Mixed Court" who would not abolish the use of bamboo and cangue if he could. But, as the Assessors have no power in this direction, the only thing they can do is to protest against such practices, which has been done repeatedly, a course I have instructed the Interpreters of this Consulate to invariably pursue, when it is necessary for him to appear in cases when such punishments are ordered.

The Magistrate of the Court in question informs me that as foreigners object to the use of the bamboo, such punishments are usually inflicted in the afternoon when Assessors are not in attendance, and that never, except in one case, has a witness been tortured in the presence of a foreign Assessor. He also informs me that no such case as "the Chiu-che ssz abduction case" ever occurred in the "Mixed Court", wherein torture for confession was resorted to as alleged by Mr. Parry. In addition to this I have examined the records

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of this Consulate wherein is recorded the title, history in brief, and judgment of every case tried in the so-called "Mixed Court" when the United States Assessor has appeared, and I can find no such case as the one referred to, neither have I been able to discover from this record that torture for confession has ever been resorted to. This fact should exonate the Assessor from complicity in such punishments. There are however many judgments recorded wherein bambooing and the cangue were ordered as punishments and some of these exceed one hundred blows, the number authorized by the penal code. The record, however, does not show that any such excessive punishment has been given since I assumed charge of this Consulate General.

If Mr Parry desires to make his pamphlet eminently sensational by recounting the cruel and inhuman treatment imposed by Chinese officials upon their criminal classes, he should have resorted to the records of other native

(Courts

courts and to the almost daily reports contained in the native press, rather than to the records of the so called Mixed Court, as instance, the following case tried before the Shanghai Magistrate of the native city a few days ago, and reported in one of the native newspapers.

"A Chinaman charged a fellow countryman with having stolen some musical instruments at the wedding of one of his relatives. It appeared that another relative of the complainant (a Taoist priest) employed some of his colleagues to play at the marriage feast, whereupon a musician of the district together with others stole their musical instruments.

The accused admitted the charge and stated that the complainant had violated the rules and customs prevailing among the Chinese that none other than musicians of the ward or district in which the wedding took place should have been employed, and that the

(complainant

complainant had interfered with his business in allowing the priest and his colleagues to perform the musical part of the ceremony at the wedding. The Magistrate summoned the Tepas (headman) of the ward in which the wedding took place and after asking him some questions ordered him to be bamboced 800 blows. The punishment was inflicted on account of his not attending to his business properly. A Yamen runner was also punished with 600 blows for dereliction of duty. While the Magistrate ordered the complainant to be bamboced 50 times for bringing the case into court and the accused to receive 400 blows."

In answering your questions specifically, I have to say - 1st. That punishment in excess of 100 blows is according to the Chinese Code illegal.

2nd. Beating to extort confession has been resorted to under the order of the Court in the past and the barbarous practice will no doubt

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be continued in the future, but, as before stated, this hearing takes place at the session of the Court held in the afternoon when answers are not present, but even then, I may add, that my investigations show that such punishments are rarely inflicted by the Mixed Court magistrate.

I am, Sir, etc.

(Signed) C. N. Henry.

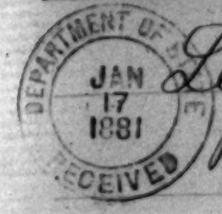
Not Read
to Hewitt
Nov - Jany 18. 1881
M. Crist'er

Ack'd & Approved
Jany 20 1881
M. Crist'er

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made

No. 61. Three Enclosures.



Legation of the United States.
Peking, December 2nd, 1880.

James B. Angell to
the Secretary of State.

Subject

International Sanitary Commission.

Synopsis.

Refers to Department instruction number 23., and covers 4 correspondence with the Chinese Foreign Office. The Chinese Minister to Washington has been empowered to attend the Conference.

No. 61. Three Enclosures.

Legation of the United States.

Peking, December 2nd, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:

In conformity with instructions contained in your despatch number 23. I made a request to Prince Kung for the appointment by His Imperial Majesty of a Commissioner to the International Sanitary Conference to be held at Washington next month. I suggested the appointment of

1/61.

of the Chinese Ministers to the United States. It required some verbal explanation to the Foreign Office to enable them to understand the nature and objects of the Conference. But, as the replies of Prince Kung herewith enclosed show, His Excellency Chên, the Minister to the United States, has been appointed to represent this Empire in the Conference.

2/
3/61.

It is well, for two reasons, that the Chinese Government has been induced to take this action, first, because they are fearfully

fearfully neglectful of sanitary precautions in their own cities; and, secondly, because every step they take towards joint negotiation and cooperation with Western Powers leads them away from their old isolation and helps to accustom them to Western methods of international procedure.

I have the honor to be,
Sir,
Your obedient servant.
James B. Angell

Enclosures.

Enclosures.

1. Mr. Angell to Prince Kung.
   78/1880. September 27th, 1880.
2. Prince Kung in response.
   88/1880. November 3rd, 1880.
3. Prince Kung in response
   95/1880. November 24th, 1880.

Despatch No. 61.
Enclosure 1.

Mr. Angell to Prince Kung.

No. 78. September 27th, 1880.

Y. S. H.

I am directed by my Government to inform you that the President of the United States in accordance with the recommendation of Congress has decided to call an International Sanitary Conference to meet at Washington and to invite to join in the conference the several powers having jurisdiction of ports likely to be infected with yellow fever or cholera with a view of securing the adoption of an international system of notification as to the actual sanitary condition of ports and places under the jurisdiction of such powers and of

of vessels sailing therefrom.

I enclose a Memorandum issued by my Government on the subject and in the name of the President invite the Government of China to send delegates to the Conference or to communicate its views on the subject under consideration to my Government.

I am requested also to say that the delegates should be authorized to conclude, if deemed expedient upon consultation, an International Convention in relation to any proper subjects for international sanitory regulations to be proposed for the consideration of the Governments interested.

The President suggests the

first

first day of January, 1881, as the date of meeting of the Conference. But should the Government of China prefer a different date, the Government of the United States will be ready to reconsider the question of time.

I cannot but hope that His Imperial Majesty will designate the Ministers of China to the United States or some other suitable persons to represent this Empire in the Conference, which will consider subjects of so much importance to China.

With assurances of the highest consideration.

I have etc. etc.

(Signed) James B. Angell.

87/1880.

Despatch No. 61.
Enclosure 2.

Peking. 3rd Nov. 1880

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication in reply.

I have had the honor to receive H. E. communication of the 27th September, 1880, in which you inform me that the President of the United States in accordance with the recommendation of Congress has decided to call an International Sanitary Conference to meet at Washington and to invite to join in the Conference the several Powers having jurisdiction of ports likely to be infected with

yellow fever or cholera with a view of securing the adoption of an international system of notification as to the actual sanitary condition of ports and places under the jurisdiction of such powers and of vessels sailing therefrom, etc. etc.

Your Excellency expresses the hope that the Government of China will designate the Minister of China to the United States or some other suitable persons to represent this Empire in the Conference etc. etc.

I have the honor to inform H. E. in reply that

this Office will take the matter into consideration and when a conclusion is reach as to the proper steps to be taken in the premises, I shall again have the honor of addressing you. In the meantime, as in duty bound, I send this acknowledgement to H.E.'s dispatch.

H.E. James B. Angell
etc - etc - etc - etc

Despatch No. 61.
Enclosure 3.

95/1880.

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication.

Upon the 27th September, I had the honor to receive a despatch from Y. E. stating that you were directed by your Government to inform me that it was decided to call an International Sanitary Conference at Washington and to invite to join in the Conference the several Powers having jurisdiction of ports likely to be infected with yellow fever or cholera in order to adopt a system of notification as to the sanitary condition of ports and places and of vessels sailing therefrom.

Your Excellency asked that you hoped that the Chinese Minister or some other suitable person would be appointed by this Government to consider these subjects with the several Powers concerned etc. etc.

Upon

Upon the 3rd inst. I acknowledged the receipt of Y. E. despatch, and upon the 16th inst. a Memorial was addressed to the Throne inquiring whether H. E. Chen, Chinese Minister to the United States, being near the place of meeting might not be appointed, to which I received in answer the following decree:- "Let it be done as suggested, Respect this"!

The necessary instruction to H. E. Chen to act in obedience to this decree and to join in the Conference will be given him by this office.

H. E. James B. Angell,
&c — &c — &c — &c,

Peking, November 24th, 1880.

Rep'd to Bureau of Accts C.S.

made

DEPARTMENT OF STATE
JAN 17 1881
RECEIVED

No. 62. One Enclosure.

Legation of the United States.

Peking, December 2nd, 1880.

James B. Angell to the Secretary of State.

Subject.

Incidental expenses of the Commission.

Synopsis.

Forwards a statement of this account with vouchers. Have drawn upon the Department for the amount.

No. 62. One Enclosure.

Legation of the United States.

Peking, December 2nd, 1880.

Honorable William M. Evarts,

Secretary of State.

Sir:

In accordance with an understanding reached with my colleagues of the Commission before their departure, I have now the honor to transmit 1/62.
a statement of sundry incidental expenses of the Commission incurred in the prosecution of its work here. I have drawn upon you for the amount,

say

say $264.56 : 1

This covers, so far as I am aware all the incidental expenses of the Commission which have arisen here, & with the exception of an account for telegrams, which will be forwarded so soon as the necessary vouchers reach me from Shanghai.

I have the honor to be,
Sir,
Your obedient servant.
James R. Angell

Enclosure.

1. Statement of certain & incidental expenses of the Commission to China.

No. 463. Request for Textbook to the Com. of Agriculture Jany 18, 1882. Instruction No. Oct. 10. Copies of Inquiries March 7, 1882 No. Oct. 10. Quest. Cotton seed Shantung Chinese? Oct. 10. Dec. 1881. Dec. 27. 1881. Dec. 27. 1881.

Legation of the United States.
Peking, December 3rd, 1880.

DEPARTMENT OF STATE
JAN 17 1881
RECEIVED

James B. Angell to the Secretary of State,

Subject.

Cotton seed for viceroy at Tientsin.

Synopsis.

The viceroy desirous of procuring cotton seed for experiment. Suggests that 200 pounds of Tennessee upland seed be sent to the Legation for presentation to him.

No. 63.

Legation of the United States.

Peking, December 3rd, 1880.

Honorable William M. Evarts,
Secretary of State.

Sir:—

During an interview which my colleagues the Commissioners Plenipotentiary, and I had with the Viceroy Li Hungchang, in September, the conversation turned upon the cotton crop of China. He informed him that the cotton plant attained a much larger growth in our country than we had seen here, and that

that our cotton was of longer staple than the Chinese.

The Viceroy who, more perhaps than any other Chinaman, is desirous of bringing from foreign lands whatever may benefit this Empire, at once expressed a strong desire for some American cotton seed to experiment with. We ventured to say to him that we thought our Government, when informed of his desire, would send him a package.

I venture therefore to suggest for your consideration the propriety of procuring through

through the Agricultural Department say 200 pounds of Tennessee Upland cotton seed and sending it to this Legation for presentation to the Viceroy. Should you approve the suggestion it would be desirable to send it soon after the receipt of this, since the proper time for planting it in this province is about the middle of April.

I have the honor to be,

Sir,

Your obedient servant.

James D. Smyth.

Refer to Bureau of Acts

Made



No. 64. One Enclosure.

Legation of the United States.

Peking, December 3rd, 1880.

James B. Angell to the Secretary of State.

Subject.

Telegram account of the Commission to China.

Synopsis.

Account forwarded with vouchers. Have drawn for the amount due.

No. 64. One Enclosure.

Legation of the United States.

Peking, December 3rd, 1880.

Honorable William M. Evarts,

Secretary of State,

Sir:-

I have the honor to transmit herewith a " 1/64.
statement of the account for telegrams sent by the "
Commission while "
prosecuting its labors at
this Capital.

The amount, you will observe, is $421.03 for which sum I have drawn upon you in the usual

usual course.

A duplicate statement will be forwarded by the next steamer.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell

Enclosure.

1. Statement of account for telegrams sent by the Commission to China.

Acted on & noted February 2, 1881. Wm. Evarts

Ask & interesting & instructive L. P

Made

No. 65. One Enclosure.



Legation of the United States.

Peking, December 3rd, 1880.

James B. Angell to the Secretary of State.

PRINTED.
FOREIGN RELATIONS
1881

Subject.

Use of opium in China.

Synopsis.

Forwards a copy of a letter from Mr. H. N. Pethick to the Commission, with comments, and refers to Mr. Low's despatch number 46. of January 10th, 1871. to the Department.

No. 65. One Enclosure.

Legation of the United States.

Peking, December 3rd, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:-

After the departure of the two Commissioners, my colleagues, I received from Mr. William H. Pethick of Tientsin a letter which contains some interesting statements addressed to the Commission. I have thought it well to forward you a copy. 1/65.

Mr. Pethick's views are of interest not only because of

of his intelligence and his long residence in China, & during a portion of which he has held official positions under our Government, but especially because of his close and confidential, perhaps we may say official or semi-official relations with Li Hung Chang, the Grand & Secretary and the viceroy of this Province. It is by no means a violent presumption that Mr. Pethick's letter reflects the views of the viceroy, and so gains a value which & makes it worthy of & transmission to you.

Moreover, the figures

which

which he gives in elucidation of the disastrous influence of the opium trade in China in a purely commercial point of view are very impressive. When we see that China pays more for opium annually than she receives for her whole exportation of silk or than she receives for her whole crop of tea, we can understand why intelligent Chinese statesmen like the Viceroy of this Province, regarding the importation only as a business transaction, deeply regret it.

But no figures can give even

even an approximate idea of the ruinous effects upon the health and the demoralizing effects upon the character, which are produced by the rapidly increasing use of opium in this Empire. One must live here and see the wretched condition of the victims of the drug to appreciate what a curse to this nation it is. It is a matter of congratulation that so few of our citizens suffer themselves to be engaged at all in its importation or sale.

In this connection I beg leave

leave to refer you to Mr. Low's despatch number 46. of January 10th 1871, which contains some very interesting statistics and comments upon this subject.

I have the honor to be,

Sir,

Your obedient servant.

James R. Lloyd

Enclosure.

1. Mr. Pethick to the Commission.

Tientsin, November 22nd, 1870.

Despatch No. 65.
Enclosure.

Tientsin, China.
November 22nd, 1880.

To Their Excellencies
The United States Special Commissioners
to China,
Peking.

Your Excellencies,

I cannot deny myself the liberty of writing to offer my congratulations upon your success at Peking. A long official career in China and my present relations with the Grand Secretary and Viceroy Li enable me to say with confidence, that the success which has crowned your efforts will have a marked effect upon the welfare of humanity and civilization, at least in this part of the world

The question of Chinese immigration to the United States has been settled in a way that will give satisfaction to both countries. But though the solution of that

(over

vexed question was the end and aim of your mission, I leave what has been accomplished to speak for and commend itself to our people, as its bearings will be so well understood by them. My present concern is with opium, a subject not quite so well understood at home as the other.

It is a mistake to say that since the opium war with England in 1842, the Chinese Government has never shown a genuine desire to limit or suppress the opium traffic. The printed laws of the Empire; Imperial Edicts; Memorials from Members of the Government at Peking; and from Provincial Authorities, and remarks by the Ministers of the Chinese Foreign office addressed to the Representatives of Foreign Governments in documents and in conversation - fully attest the fact that China has never consented to bear without murmur this great wrong which was forced upon her. Nor because Imperial Edicts are set

(at

at nought, and the cultivation of the poppy connived at by officials in some parts of the country is it fair to tax the Government with indifference to the spread of this evil. Blood and treasure were spent freely in combating its introduction, and though defeated in war the Government has not remained a silent and unfeeling witness of this blight extending over the country. The public archives down to the present time bear witness to the fact. American merchants formerly shared in this traffic, and American ships are ready even now to carry opium from place to place in China. But the trade has fallen largely into the hands of Jews and Parsees, British subjects, from India. Very few English mercantile firms of reputation are concerned with it save by employing their vessels to carry it about. Yet the Chinese people make no such nice distinctions as to principals and accessories in this trade. They know

that

that opium was forced on the country by a war, that all foreign merchants and their ships have engaged in the trade, and that any foreign vessel will carry opium now. The common name with them for opium is "Yang Yao" (foreign drug) and the simple facts ever present in their minds are that foreigners first brought opium into the country and bring it still; and that the efforts of their Authorities to put it down have no manner of effect upon foreigners. Thus Americans, as Foreigners in this country and being free to deal in opium, come in for their share of the opprobium equally with English merchants, and bring the fair fame of Western civilization into disrepute.

To give a clear idea of the present extent of the Foreign Opium Trade in China I will here quote some statistics, taken from the latest official report of the Foreign Customs service of the Chinese Government. Chinese weights and values are reduced, for convenience,

(into

into our own weights and currency.

Imports into China from foreign countries
year 1879.

1. Opium (from India under monopoly of British Govt. 11.073.333 lbs	Value	$ 50.700.000.
2. Cotton goods (from England & U. S.)	"	31.400.000.
3. Woolen goods (chiefly from England)	"	7.000.000.
4. Metals " " "	"	5.700.000.
5. Matches " " Europe	"	550.000.
6. Kerosine oil (from U. S.)	"	1.000.000.
7. Sundries from all countries)	"	18.000.000.
Total value of all imports		$ 114.350.000

Exports from China to foreign countries
year 1879.

1. Tea — 265.000.000. lbs.	Value	$ 46.000.000.
2. Silk	"	" 40.000.000.
3. Sugar	"	" 3.000000.
4. Sundries	"	" 11.200.000.
Total value of export	"	100.400.000.

Value of whole foreign trade Export and Import for the year 1879. $ 215.000.000.

(The

The total quantity of foreign opium imported during the year 1879. reached a figure never attained before, namely 83.080 peculs. (11.073.333. lbs = over 5000 Tons.) representing a value of taels 36.536.617 or about $ 51.000.000; and this formed very nearly one half of the whole foreign Import trade. The amount imported has steadily increased from 52.000 peculs in 1864. to 82.000 peculs in 1879. In 1879. the Import was 11.000 peculs. (one peecul = 133⅓ lbs.) more than the previous year. This will show that the use of foreign opium is steadily and rapidly increasing in China. To this is to be added the amount consumed in Hongkong, and the amount reexported thence for the use of the Chinese in California, Australia and elsewhere; and estimating 21.919 peculs as smuggled from Hongkong into China, the Customs authorities state that "the total importation of opium "into China would therefore appear to "have amounted in 1879 to 104.970 peculs (13.995.000 pounds = over 6000 tons).

This

This single article, Opium, equals in value all the other goods brought to China from foreign countries. Its value is greater than all the tea sent out of China, or all the silk. For the 265. millions of pounds of tea China sends abroad, she is given 11. millions of pounds of opium, and still has 5 millions of dollars to pay for this opium in other goods, the opium being worth nearly 51 millions of dollars and the tea but 46 millions.

These figures establish quite enough for my purpose, which is to show that the black stream of pollution which has so long flown out of India into China has been increasing in volume, and spreading its baneful influence wider and wider. If this stream be not checked, the world may soon despise China as a nation of opium smokers, even as Judah was reviled by the prophet for her abominations.

I take it for granted that the ill-

ill effects, physical and moral, of opium smoking are known and admitted by intelligent and unprejudiced people, and notwithstanding the fine spun theories of various apologists for the habit, it is enough here to refer to the positive condemnatory testimony of native victims of the habit: to all intelligent and respectable Chinese; to foreigners who have had much experience in the country; and to the United opinion of the foreign medical faculty in China from the earliest date of foreign intercourse to the present. The British Government long ago abandoned its defence of the trade on moral grounds, and now sustain it simply and confessedly for financial reasons.

Your Excellencies have appeared in China at this juncture, and while seeking to remedy a misfortune suffered by our country at the hands of the Chinese, you have been mindful to redress a wrong long sustained by China from

(the

the United States - for we have been more or less involved in the opium trade in common with other foreign countries. This is an act of common justice and national equity. It fulfills a moral obligation which has rested upon our country to make amends for the wrong which has so long had our tacit and implied approval. The United States by a bold and noble declaration against opium, now stand in the right before the world and the God of nations.

It would be premature to forecast the good results which should follow this act. You are aware of the profound effect it has had upon the Government at Peking and upon the Viceroy Li. That effect, I feel certain, is not transitory. It has encouraged long-deferred hope; confirmed oft defeated determination; it has nerved the arm of the Government with new strength, - and we shall see China once again grappling with the monster that (is

is stealing away the prosperity and energies of her people.

I feel proud to belong to a country capable of such an act of magnanimity to a weaker one. It is an act of peace and good-will such as exalts a nation, if we believe Holy Writ, far more than the conquests and triumphs of war: and Your Excellencies will doubtless come to reflect upon your work, so happily accomplished, with the pleasing consciousness of a great duty performed before God and man in behalf of our country.

I have the honor to be,
Your Excellencies' obedient servant.
(signed) Wm N. Pethick

Ask + refer to Bureau of Statistics
C. P.
Made

No. 66.



Legation of the United States.
Peking, December 9th, 1880.

James B. Angell to
the Secretary of State.

Subject.

Review of trade of the United States with China for 1879.

Synopsis.

Gives statistics of the larger items of export and import. Our trade largely increased in cotton fabrics and kerosene oil. Good prospect for a continued growth of trade in these articles.

Some

Some figures on the decline of our tonnage here, and on the trade in opium.

No. 66.

Legation of the United States.

Peking, December 9th 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:-

Although the Report on the Trade at the Treaty Ports of China for the year 1879, which is published by the Imperial Maritime Customs, has recently been sent to the Department, it may not be amiss for me to touch briefly on some of the facts therein set forth, which are of especial interest to the United States.

The

The year 1879. was one of prosperity in China both for agriculture and commerce. The total amount of exports and imports reached the highest figure ever known, 253.851.215 Haikwan taels or, reckoning the tael at $1.60 Mexican, the sum of $406.161.944 Mexican. This was an increase over 1878. of about 17.000.000 taels, & divided as follows:- increase in exports 5,000.000 taels, in imports 11.000.000 taels, in home trade 1.000.000 taels. & compared with 1870, there was an increase of trade at all the Treaty ports save Ningpo, in

in which there was a decline of 11.64 per cent. Compared with 1878, there was an increase in all except the following, in which there was a decrease represented by the figures set against them, viz:- Kewchwang 1,558,243 taels, Kiukiang 833,389., Lehinkiang, 183,714., Tsoochow 1,072,222., Amoy 44,967.

The whole foreign trade amounted to 155,000,000 taels of which Great Britain and her colonies had 77.56 per cent. This is a slight relative loss, as they had in 1878, 79.06 per cent.

The

The United States had in 1879, 7.32 per cent of the whole, while in 1878, it had only 6.29 per cent. Our trade with China almost equals that of all Europe, Russia excepted, for that rises to only 7.58 per cent. The actual increase of our trade from 1878 to 1879 was 2,678,183 Haikwan taels or $4,285,093 Mexicans.

The increase in the exports of China consisted chiefly in the tea and silk sent to the United States and in the silk sent to Europe.

The rapid increase in the sale of our cotton fabrics

fabrics during the past few years is very gratifying. In 1879 the sale reached 1,373,553 pieces, valued at 3,363,743 taels or $5,381,989 Mexican. The quantity is five times that sold in 1876, and the value is nearly five times as great. The figures for 1876 were 274,025 pieces, valued at 750,702 taels. The fabrics sold in 1879 were as follows:— Drills and Jeans 696,937 pieces; Sheetings and Shirtings, almost wholly the former, 676,616. The figures for 1878 were, Drills and Jeans 493,381 pieces; Sheetings and Shirtings, 395,570.; value 2,263,662 taels or $3,621,859 Mexican.

These

These fabrics are almost all consumed in that part of China north of the Yang tze river. The chief ports at which they find a market are Shanghai and the Yang tze ports, Chefoo, Newchwang, and Tientsin. It is their excellent quality in contrast with the sized goods of England which has secured for them their market.

At Newchwang Shirtings appear in the market reports in 1879. for the first time.

The Customs Commissioner at Chefoo remarks in his Report:- "Observation is "drawn to the serious "displacement

"displacement of English
"cotton fabrics by those of
"America. Thus we note that
"in 1874. American shirtings
"4432 pieces only were
"imported, but that these figures
"have now risen to 68,643
"pieces, while English shirtings
"have, in inverse proportion,
"fallen from 21,193 pieces in
"that year to 4,177 pieces in
"1879. American sheetings
"have made the enormous
"advance of from 960 pieces
"in 1874. to 97,882 pieces,
"against which the English
"fabric shows a sorry import
"of 2850 pieces."

The Commissioner at
Hankow.

Hankow on the Yangtze river says: — "American sheetings,
"which first made their
"appearance on the Hankow
"market in 1877, when only
"9.350 pieces were imported,
"are now represented by
"40.496 pieces, or an advance
"since 1878 of 2.671 pieces,
"whilst English sheetings have
"8.970 pieces against a nil
"import of 1878."

The Commissioner at Chinkiang on the same river says: "American drills
"continue to attract a marked
"preference over those of
"English make, and, were it
"not for their comparatively high
cost

"cost, would soon run English
"drills out of this market."

In view of what has been
said of the mildew and the
sizing in English goods, the
following from the Commissioner
at Shanghai is of interest to us:

"It is satisfactory to note
"that the appearance of mildew
"in English made textiles was
"but of rare occurrence, and
"that the import of sized goods
"has been on a much less
"scale than formerly. However,
"owing to the relative cheapness
"of these goods, there will always
"be a certain demand for
"them by those who are unable
"to pay the price for the better

quality

"quality of manufactured
"goods: but when buying such
"goods, the purchaser, it is
"right to say, is aware of their
"condition and make up, so
"that the import of sized goods
"will vary in proportion to the
"purchasing capacity of the
"consumer." There is however
"no fear of their damaging the
"demand for English fabrics
"generally, for only the better
"class of goods will be purchased
"when the means of the people
"put them within their reach."

There can be no doubt
I think, that it is the demand
for the American goods of
genuine quality which has

led

led to the diminution in the import of the English sized goods.

There was a falling in the import of the English T.-cloths, but the Commissioner attributes this to the overstock of the previous year rather than to the competition of the American fabric known as the "Continental", which some have thought was supplanting the 8 lb T cloth.

Meadds:- "In American "drills and jeans the figures "speak for themselves, and "show how the trade in these "fabrics has annually expanded"

from

"from 125,311 pieces in 1875,
"to 645,766 pieces in 1879, while
"as regards the Clutch
"manufacture the figures
"do not require further attention
"than that Jeans show a falling
"off yearly. From Table A the
"fluctuation in the import
"of English sheetings will be
"observed, and it is only
"necessary to point out that
"though the quantity imported
"last year is short of that
"of 1875 by 8,143 pieces, it is
"in advance of the import
"during the intervening years.
"In American sheetings the
"import has been onward
"throughout, being 52,102 pieces

in

"in 1875, and 602.234 pieces
"last year."

At Ningpo Drills, for which there has been a growing demand, are used for sails, and sheetings for tea bags. Of the manner in which the American goods have crowded the English and the Dutch at Lientsin, the following paragraph from the Commissioners report speaks plainly.

"A considerable increase
"in the import of American
"Drills, Jeans, Sheetings, and
"Shirtings has been noticed
"during the last three years.
"In the case of Drills, the

Return

"Return Tables of the period
"under review give evidence of
"quite a revolution in the relative
"importance and standing in
"the trade of the port in English
"and American Shirtings. In 1876
"there were imported into
"Tientsin 272.409 pieces of
"English Shirtings, 46.575 pieces
"of Dutch Shirtings, and 104.336
"pieces of American Shirtings. The
"following year, 1877, only
"120.005 pieces of English
"Shirtings, 31.470 pieces of Dutch
"Shirtings, and 90.500 pieces of
"American Shirtings were thrown
"upon the market. But in
"1878. English Shirtings imported
"amounted to only 61.662 pieces,

Dutch

" Dutch drills to 41,760 pieces,
" while American drills "
" increased to 113.589 pieces.
" In 1879, finally, although
" English drills imported rose
" again to 145,750 pieces, Dutch
" drills remaining stationary
" with 38,890 pieces, the "
" importation of American
" drills for the first time
" rose to as important a "
" quantity as 259,380 pieces.
" The latter figure signifies a
" decided victory of the American
" mills over the competing "
" mills of England and "
" Holland, due to the better "
" fabric of the American "
" article, which the Chinese

consumers

"consumers, notwithstanding
"the higher price thereof, have
"learned to appreciate and give
"preference to. The fact that
"in the important cotton
"goods market of Tientsin
"the American drills have
"so decidedly superseded
"English drills will probably
"cause some commotion
"among the Lancashire mill-
"owners, and if it does not,
"it certainly ought to call for
"their serious attention."

I am sure that it is
with pride that every
American reads of such
successes of our manufactures
in these Eastern markets,
especially

especially when it is known that the successes are due to the excellence and genuineness of the fabrics.

I have also examined and collated the figures given in the Quarterly Returns for the first three quarters of the current year, namely from January 1st to October 1st. I defer giving them in any detail until the next Quarterly Return is in. But I may say that at Shanghai, where all our goods are imported, the receipts of American drills for the period above named is only 129.513 pieces against 557.206 for the same

same period in 1879, while the imports of English Drills rose from 282.651 pieces in these quarters of 1879 to 541.703 in 1880. In Sheetings however we retain our ascendency and show a gain over the corresponding period of 1879. The imports of American Sheetings into Shanghai, January 1st to October 1st, 1880 were 518.763 pieces against 440.014 in 1879, same period. The English send in this year, in the above period, only 152.942 pieces. So at Newchwang, Tientsin, and Chefoo the demand for our Drills and Sheetings is this

Year

year handsomely in excess of that for the English, although as compared with 1879, there has been a less demand for both English and American Drills and Sheetings. At Chefoo we seem to have practically the monopoly in sheetings, the figures for the three quarters of this year standing thus:- English 660 pieces, American 3.120. In Drills and in Jeans at Chefoo we are also in advance of the English, thus January 1st to October 1st 1880, English Drills 2.769 pieces, Jeans 4.700; American, Drills 25.365 pieces, Jeans 9.215. In Sheetings we lead

lead at every port in which sales are reported this year. On the whole an inspection of the returns for three fourths of the year furnishes good ground for the belief that our showing for the whole year in the cotton goods trade will be very favorable.

The past and the prospective increase in the consumption by China of our Kerosine oil is very noteworthy. The value of the importation in different years has been as follows:—

1876, 230,641 taels; 1877 184.191.;
1878, 485,352.; 1879 767.890.

The Annual Report says:—

"Kerosine

"Kerosine oil has increased
"by a value of Haikwan taels
"282.538. representing about
"20.000.000 gallons. The Chinese
"have at last discovered that
"kerosine oil not only gives
"a better light, but costs in
"reality much less than the
"Bean and Tea oil they have
"hitherto been in the habit of
"using; it has now found
"its way by means of Transit
"Passes far into the interior,
"and its consumption throughout
"China will, in a few years,
"probably amount to something
"enormous."

The Commissioner at
Ningpo says the import there
in

in 1879 was nearly twenty
times that of six years before
and thrice that of 1878. "It is
"to be found in every little
"shop throughout this entire
"region. No single article of
"foreign import now represents
"so high an annual value
"in our tables except opium,
"grey shirtings, T-cloths and tin."
He suggests that the Chinese
require a lamp cheaper and
more durable than the glass
lamp with its brass burner
and glass chimney. I can
testify from personal observation
that the use of kerosine is
spreading very rapidly here
in Peking.

Herring

During the first three quarters of this year there were imported into Shanghai 3,153,230 gallons. I see no reason why there should not be an indefinite increase in the trade in Kerosine, provided the quality is kept good enough to prevent accidents by the explosion of lamps.

It is a sad contrast to turn from the success of the above branches of our trade in China to the painful decline in our shipping. Whereas in 1870, 43.61 per cent of the tonnage of shipping employed in the foreign

foreign and coastwise trade of China was American, in 1879, only 1.94 per cent was American. Even under the German flag there was 5.18 per cent. The causes of this prostration of our shipping interests are too well known to call for comment here.

The articles which we take in important quantities from China are, silk, tea, straw hats, and straw braid. The total exportation of silk from China in 1879 was 105.838 piculs valued at Haikwan taels 28.621.333, of this amount the United States took

took 7,457 piculs (994,266 pounds) or approximately seven per cent. The total exportation of tea was 265,100,000 pounds, of which England took 131,700,000 pounds, and the United States 35,600,000 pounds, or nearly 14 per cent. Russia and Siberia took 53,300,000 pounds. Of the green tea exported, 183,234 piculs, we took almost exactly two thirds, or 122,019 piculs, being 16,302,500 pounds.

Of the total exportation of 4,355,282 straw hats we took the large number of 3,614,000, or more than three fourths. Great Britain took only 727,432. Of the total exportation

exportation of 34.545 piculs of straw braid, we took 12.501 piculs or more than a third.

If there seems to be no immediate prospect of any considerable market in China for any of our products besides cotton fabrics and kerosine, still there is a fair chance for an enlarging demand for the cotton goods and a certainty for a wider market for the oil.

The Report which we are considering gives some startling figures in respect to one article, with which happily our citizens are not much concerned, namely opium.

But

But, as I have recently, in my despatch number 65., referred to the opium traffic, I desire to add here the exact statistics which are here officially given. It appears that in 1879, there passed through the Foreign Customs 83080 piculs, valued at 36,536,617 Haikwan taels, a sum representing 44.43 per cent of the total imports. But the report further says that, in addition to this it is estimated that 21,919 more piculs entered the Chinese ports through Hongkong, making the total importation 104,970 piculs, or 13,996,000 pounds,

or

or 6998 tons which must be worth 46.186.800 taels or $73.897.880 Mexican. If we remember, furthermore, that a pretty large amount of opium is raised in China, we can form some conception of the extent to which the vice of using the pernicious drug prevails in this Empire.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell

No. 67. One Enclosure.

Legation of the United States.

Peking, December 11th, 1880.

James B. Angell to the Secretary of State.

Subject.

Incidental expense account of the Commission.

Synopsis.

Refers to despatch, number 62, and forwards a duplicate of this account.

JM

DEPARTMENT OF STATE
JAN 31 1881
RECEIVED

No. 67. One Enclosure.

Legation of the United States.

Peking, December 11th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:-

Referring to my despatch, number 62, covering a statement of the incidental account of the Commission, I have the honor to enclose 1/67. a duplicate statement herewith.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell

Enclosure.

Enclosure.

1. Duplicate statement of the incidental expenses of the Commission to China.

No. 68. One Enclosure.

DEPARTMENT OF STATE
JAN 31 1881
RECEIVED

Legation of the United States.
Peking, December 11th, 1880.

James B. Angell to
the Secretary of State.

Subject.

Account for telegrams sent by the Commission.

Synopsis.

Refers to despatch number 64. and forwards a duplicate of this account.

JM

No. 68. One Enclosure.

Legation of the United States.

Peking, December 11th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:-

Referring to my despatch, number 64. covering a statement of the account for telegrams sent by the Commission, I beg leave to forward herewith a duplicate statement. 1/68.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell

Enclosure.

Enclosure.

1. Duplicate statement of the account for telegrams of the Commission to China.

Shown to Mr. Seward
Feb. 18

File

made

No. 69.



Legation of the United States.
Peking, December 11th, 1880.

James B. Angell to
the Secretary of State.

Subject.

Certain passport fees due from
Hon. Seward.

Synopsis.

Refers to Hon. Seward's despatch,
number 745, and states that
the fees for nine passports
should be accounted for by
him to the Department.

No. 69.

Legation of the United States.

Peking, December 11th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:

In his despatch number 145, to the Department, Hon. Seward informed you that "in order to avoid confusion, "I have transferred to my "successor, Hon. Angell, the "sums received by me for "passport fees since January "1st of this year, and he will "account for them to the "Department."

I

I am, however, now informed, through a private letter from Mr. Seward to Mr. Holcombe, that he collected of the Consul General at Shanghai, the fees for all passports - 9 in number - issued from that office from January 1st to August 16th of the current year. He should therefore pay to the Department the fees for these nine passports, amounting to $45.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell

Ackd. & action approved 2nd January 1881 Mr. Evarts

Ackd & approve C. P. made

No. 70. Four Enclosures.

Legation of the United States.

Peking, December 11th, 1880.

DEPARTMENT OF STATE JAN 31 1881 RECEIVED

James B. Angell to the Secretary of State.

Subject.

The attack on Rev. Mr. Sites.

Synopsis.

Forwards further correspondence. Action of Provincial Authorities very unsatisfactory. Have made certain specific requests of Prince Kung, who has sent further instructions to the viceroy of Fukien.

No. 70. Four Enclosures.

Legation of the United States.

Peking, December 11th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:-

My predecessor has kept you advised of the earlier negotiations with the Provincial Authorities of Fukien and with Prince Kung concerning the brutal attack on the Reverend Mr. Sites.

The history of later proceedings is furnished in a despatch from Consul Hingate

Hingate of Foochow to me,
covering correspondence carried
on with the Provincial Officers
by Mr. Hle Lane and Mr. Hingate.
1/70. A copy of the despatch and
the accompanying documents
is herewith enclosed.

After a careful
examination of these papers,
I addressed a communication,
2/70. a copy of which is enclosed,
to Prince Kung. I think
you will agree with me that
the papers fully justified
me in assuring the Prince
that the course of the
Provincial Officers, from the
Viceroy down to the Prefect,
was extremely unsatisfactory,

and

and wholly lacking in the spirit which he had shown of the desire to execute justice and to insure protection to our people. I thought it proper to make certain specific requests looking to the punishment of the really guilty parties, to the exoneration of Mr. Sites from false and malicious accusations, to the restoration of their property to the missions and missionaries, and to proper safeguards for the enjoyment by them and by our citizens generally of their treaty rights.

I have now received a reply from Prince Kung. 3/70.

He

he virtually admits the justice of my complaint, by directing the local officers "to take up "the case again and to dispose "of it in a manner conformable "to justice."

4/70. I have directed Her Consul Kingate to seek the results indicated in the requests I made of Prince Kung in the new proceedings. I trust the matter may be brought to a satisfactory settlement on this side. But perhaps there is no part of the Empire in which so many difficulties are encountered as in Fukien, in protecting foreigners from annoyance

annoyance and injury.
The literati and gentry, including a large number of the officials, cherish the strongest antipathy to the foreigners, and are only too ready to throw every obstacle in our way in securing to our citizens the rights guaranteed by treaty.

I think that Prince Kung is sincerely desirous of according us justice in this case.

I have the honor to be,
Sir,
Your obedient servant.
James B. Angell.

Enclosures.

Enclosures.

1. Mr. Hingate to Mr. Angell
   No. 7. October 15th, 1880.
2. Mr. Angell to Prince Kung.
   96/1880. November 29th, 1880
3. Prince Kung in response.
   98/1880. December 6th, 1880.
4. Mr. Angell to Mr. Hingate
   No. 10. December 10th, 1880.

Despatch No. 70.
Enclosure 1.

Mr. Wingate to Mr. Angell

No 7. October 18th 1880

Sir

I have the honor to forward herewith, copies of all correspondence between this office and the Chinese officials relating to the assault upon the Rev. Mr. Sites at Yenping, since that which was sent to the Legation by Mr. De Law with his despatch of June 5th.

In my management of the case, I have but endeavored to follow the line marked out by my predecessor, and in which he had the able support of Mr. Seward. I have delayed sending

until now, hoping all the time, that I might be able to report some progress. I regret that I have accomplished so little.

The correspondence needs but slight explanation or comment.

Believing with Mr. Seward and Mr. De Law, that it was important to first dispose of the matter of the firing of the gun by Mr. Sites, I refused to attend a trial at the Chinese Yamen until I has assurance that the charge against him would not appear in their Court.

I thought I had nearly

received that point on the morning of August 11th, and had Mr. Silis with two Chinese witnesses in readiness to go in with me. Owing, however, to the time consumed by the officials in discussing my note of that date, their reply was not received until it was too late for me to attend the proposed trial.

But you will perceive from the report of Ajah, Acting Provincial Judge, that the proceeding on that day was not such a trial as your predecessor had contemplated, that had I been present, I could only have protested

against this trial as being a farce, in which no place was assigned to Mr. Silis and his witnesses.

The report graciously exonerates Mr. Silis from — himself firing the gun, but the conclusion to be deducted from it is that Mr. Silis — abusive language, and the shooting by some unknown person, were the real cause of the riot. The brutal wounding of Mr. Silis, and the proclamation which led to it, are completely ignored.

I have also no reason to object to the punishment of the four men. Although it is

reported that they had nothing whatever to do with the case, they are only furnished upon their own confession, for which they are presumed to have been well paid.

I sent back the $100, without hesitation. Mr. Silis, and the Mission as a body, have since informed me that no money whatever will be received, and, further, they think it very undesirable that any should be given to the native Christians, although their pecuniary loss was considerable.

It is not at all probable that the money was

in any way a fine from the literati of Nyenping. It is reported that a like sum, $100, has been given to the man Chen Kuei. You will observe that the sufferings of Mr. Sites and Chen Kuei are paralleled with each other, so that no injury is done to the feelings of the Nyenping gentry.

I heard nothing regarding my letter of Aug. 30th until Sept. 14th, when Fang, Expectant-Taotai, &c. called. In proposing his call, he said it was not a call of business, but, after some pleasant conversation, he introduced the subject of the Nyenping matter. I then

talked quite freely with him, showing how impossible it was to be satisfied with what had been done.

Yang asked me to write down the points of my demands, and name a day when he and others could come and talk them over. I told him that instead thereof I would ask the Viceroy to give me a day, when I could go to him, and state what I thought might be done. I did this to avoid letting the Board of Trade into the case, thus being a constant manoeuvring on the part of the Chinese to get the Board back into its old place as the

medium of communication between foreign officials and the Yamens. I failed to secure a hearing from the Viceroy, he referring me to Yehte, to whom I did not think I could with propriety go in the present stage of the proceedings. The Taotais are anxious to have me talk with them. but until I receive further instructions from you. I prefer that all propositions for a settlement should come from them.

Soon after my arrival. the Methodist Mission. understanding that the Chinese were making some new move to have

the case settled. sent to me a statement of their own wishes in the matter. a copy of which I enclose. The Mission have carefully abstained from pressing their own ideas of the case, believing that however great the wrongs done to Mr. Giles and the native Christians, they were far out-weighed by the question of treaty rights, as urged by Minister Seward and Consul De Long.

When on the 18th of September I asked the Viceroy to grant me an interview. I prepared a memorandum of the points I proposed to present. In it, after commenting upon the

decision of the Provincial judge.
I had noted as follows. "When
"Consul DeLong informed the
"U.S. Minister at Peking, that
"two men had been arrested
"and brought to Foochow. Charged
"with being concerned in the
"assault upon Mr. Sites. the
"Minister wrote to His Imperial
"Highness Prince Kung, that 'it
"is idle to expect that we can
"be satisfied with the production
"of two of the offenders only'.
"Can it be now expected that
"His Excellency will be satisfied
"if all escape except these four
"miserable hawkers?
"H.E. the Viceroy wrote to the
"U.S. Consul on the 21st January

"that he had issued instructions
"to the Nanping officials to arrest
"the principals who instigated
"and were concerned in this
"assault and bring them to
"Foochow. Is it not even now
"possible to arrest and punish
"some of the powerful leaders
"of the opposition to foreigners
"in Nanping? This would ~~—~~"
"settle the case at once, and
"leave no tail-end. If this is not
"done, some other measures must
"be devised to secure us our
"treaty rights. I do not think the
"U.S. Minister will be ~~—~~
"satisfied with any settlement
"which will not ensure to my
"countrymen the full measure

" of their rights in Yenping and
" Kien-Ning, and cause a
" suspension of the persecution
" of the native Christians at
" those places."

"As before stated,
" the easiest way to secure this
" end would be to arrest some
" of the leading men who have
" been guilty of exciting the
" people; to punish them wherein
" they are known to have offended;
" and to make them give security
" for the good conduct of their
" dependants, as would be done
" if this were simply a Chinese
" case. In the mean time it
" will be a measure of justice,
" and tend to show the upright

" purpose of the officials, to, at once,
" put the Methodist Mission in
" possession of their Chapels at
" Yenping, Sha-Shin and Kien-
" Ning. As the native preachers
" were sent away from Yenping,
" by the officials, it would seem
" that they should see them
" safely returned to their stations.
" Some efficient means should
" be taken to constantly remind
" the officials and people of
" Yenping, that the owners of
" the property, and not the Magistrates
" and the Lien-Chiah, are the
" proper persons to decide to what
" uses they will devote the Chapel
" near the Small Water gate, so
" long as it is not used for

"illegal purposes. As to the firing
"of a gun at the Chapel. H.B. the
"Provincial Judge having clearly
"ascertained that Rev. Mr. Sites
"was in no way concerned therein,
"and the Consul being able to
"prove that there was no gun
"fired, there can be no obstacle
"which prevents the officials
"from making the declaration
"the Consul desires".

Of course
I have no expectation that the
leaders in the affair will now
be arrested, and it was my
purpose to specially press the
point of protecting our
countrymen in Nanping on
Kiew Kiang. To this end I have

had in mind, if necessary, to visit those places, with some officer to be designated by the Viceroy. I should also, at the proper time have insisted upon the right to use the Chapel at Yunping, as a Chapel, and openly to this end asking for a tablet as suggested by the mission.

I should have been sparing of remarks regarding the native Christians, lest they, or their friends might suffer the more therefrom. Even the two witnesses who were ready to testify in Mr. Silis case, and one of whom is not a Christian, were in a state of trepidation at the prospect of

having, to appear before the officials. The Missionaries state that the common report at Yunping is that the Prefect and a few of the literati were alone responsible for the outrage, and that there is little prospect a a right-state of affairs being maintained at that place, so long as this Prefect holds his position and is hand-in-glove with those hostile to foreigners. I have no doubt that his removal would be a just punishment, and beneficial interests.

I have the honor to be.

Sir.

Your obedient servant

J. C. A. Wingate

U. S. Consul.

Enclosures

No 1. Governor General to Mr De Law
June 6th

" 2. Mr. De Law to Governor General
June 18th

" 3. Governor General to Mr De Law
June 23d

" 4. Mr. De Law to Governor General
June 28th

" 5. Mr. Wingate to Governor General
July 15th

" 6. Governor General to Mr. Wingate
July 22nd

" 7. Mr. Wingate to Governor General
July 24th

" 8. Governor General to Mr. Wingate
August 9th.

" 9. Adjt. Intendant &c to Mr Wingate
August 9th

№ 10. Mr. Wingali to Mgh. Intendante
August 10th

" 11. Mgh. Intendante to Mr. Wingali
August 10th

" 12. Mr. Wingali to Mgh. Intendante
August 11th

" 13. Mgh. Intendante to Mr. Wingali
August 11th.

" 14. Mgh. Intendante. to Mr. Wingali
August 24th

" 15. Mr. Wingali to Mgh. Intendante
Sep. 2nd

" 16. Governor General to Mr Wingali
Sep. 19th

" 17. Mr. Wingali to Governor General
Sep. 27th

" 18. Governor General to Mr Wingali
October 3rd

" 19. Mr. Wingali to Tang Taotai
October 4th.

No 20. Mr. Ohlinger to Mr. Wingate
July 22nd

N.B. Enclosures Nos 1 to 18 inclusive.
have Chinese text included

Foo. Governor General to M.M. De Lano,

June 8th 1880.

On the 3rd June your representation was received, saying:

"The Consul begs leave to represent
"to your Excellency that he has
"been informed that the man
"who has been seized or brought
"and is to be put forward to
"personate Chen Kuei alleged to
"have been shot and wounded
"by the Rev. Mr. Sites at Nenpingfoo
"in December last, is now in
"Foochow, he having been sent
"down from Nenping on the 9th
"day of the 4th moon.
"The Consul learns also that
"the Nanping magistrate left-
"Nenpingfoo for Foochow on the

"17th day of the 4th moon, and it
"appears to the Consul that inasmuch
"as the two men above mentioned
"and the two men who are to
"personate those who assaulted
"Mr. Bites - four men - are now
"here at the Capital, the time is
"opportune for making an
"inquiry into the affair."

Being in recipt of the above, I find that in this case the man Chen Kuei wounded by a gun, has by the officials substantiv and deputed, been now summoned and has arrived here, as have also been secured the two men on the scene and making the disturbance. I, the President of the Board have

not yet whence to determine whether or not these men are "personating" (the parties), as no examination and report have yet been made by the Prefect. You, too, the Consul, have not yet witnessed the trial: how can you speak as if you had (the facts) in view?

However, if I take the statements of one side only how can I decide these two criminal cases? I am now directing the Board of Trade to send the men to the Prefect that the truth or falsity may be investigated and discriminated. When the depositions have been copied and reported to me.

I will direct the Board of Trade to consider and fix upon a date for the examination, when a communication will be sent you by the Board of Trade that you may proceed to witness the trial.

Again: your representation on this occasion has again been unaccompanied by an English version. It should immediately be supplied and sent for my files.

Having received your representation of the above-mentioned particulars, I therefore send you this instruction in reply for you to find as represented.

For this I shall be obliged.

Mr. De Lano to Governor General

June 18th 1880

Refering to conversation which I had the honor to have with Your Excellency on the 16th instant in regard to the Giles Jumping case, I have now to inform H.E. that upon further consideration of the matter I conclude that it is expedient that I should first examine into the charge of shooting and wounding which has been put forward against Mr. Giles. before the two men are tried for the assault.

This course will, I am persuaded, be better for all parties concerned, for if it should be

conclusively proved that a gun was discharged from the chapel upon the passers in the street there would then appear to have been some provocation for the assault. I explained my views about the matter to the expectant Fang and then in detail by word of mouth yesterday which I trust they have in turn communicated to H.B.M.

Without further discussion of the case I trust H.B.M. will direct that Chen Kuei and in his petition and declaration to me without further delay so that I can fix a day for the hearing, give notice to H.B.M. and

immediately arraign Mr. Silio for trial. Further delay will only add to the complications and perplexities of the case. I earnestly desire to have the case fairly, equitably and speedily settled, and I trust A. G. will find it convenient direct that very early action be taken by your subordinates who have the matter in hand.

Hon. Governor General to M. M. De Lana.

June 23rd. 1880.

On the 18th June I recived your representation that "the "Charge of shooting and wound- "ding which has been put forward "against Mr. Silts should first "be examined into before the two "men are tried for the assault.

"Without further discussion "of the case. I trust that H. E. will "direct that Chen Kwei send in "his petition and declaration to "me without further delay, so "that I can fix a day for the "trial and bring up (Mr Silts). "I earnestly desire to have the "case fairly, equitably, and "speedily settled. and I trust H. E.

"will direct early action to be
"taken."

I. The President of the Board being in receipt of the above, find that in this matter I have at different periods sternly directed the local authorities to make arrests and examination and deal with the case promptly, closing it in an equitable manner; as is on record. But Chen Kuei is a poor hawker. Now that he has reached the capital, ~~+~~ summoned at my direction. according to the report he makes he is sick and confined to his bed. He cannot be commanded to present his

complaint, responsible if he does not; and he has no money with which to engage some one to prepare a complaint. His willingness or unwillingness to present a complaint are not (matters) in which I ought to direct him, as it is my duty, according to law, as President of the Board, solely to direct the officers having charge of the trial to examine him and obtain his true disposition, that an equitable and final decision may be reached. There is no reason in directing the people to present accusations. But the request that you the

hon. Consul make, that Chin-Kuei's case be first examined is one that can be acted on.
We should wait till the Commissioners and Intendants of the Board of Trade have in turn directed the Prefect of Foochow, as soon as Chin Kuei has completely recovered and can come into court, to bring up the case immediately and make trial and examination.
Besides giving order that (such) action be taken, I therefore reply to you the Consul, for your information for you to find as represented. For this I shall be obliged.

Mr. Dedans to Governor General

June 28th 1830.

I have the honor to acknowledge receipt of your dispatch of the 24th instant in which you say.

"I have received your "dispatch of the 18th instant in the "Silis Yunping case requesting "that the case in which Chin Kwei "is complainant be first brought "on and examined."

"Being in "receipt of this I the President "of the Board find that in "this matter the request that the "case in which Chin Kwei is "complainant be first brought "on and examined is one that

"can be acted on. We should
"wait till I have given directions
"to the Board of Trade in their
"turn to instruct the Prefet of
"Foochow that as soon as Chen-
"Rui is completly recovred
"and can come up in the case.
"immediately to bring up all
"the parties in the case and
"make trial and examination."

I am under obligation
for this despatch but my
intent and wish was or is
that the case in which Chen-
Rui was complainant should
first be clearly tried at my
Consulate. I have already
clearly stated this to the
Intendants Fang and Chung

and I presume that they have already been favoured with an interview with H.E. and that H.E. perfectly understands it. Fearing now that you have not read aright my previous representation I therefore request you to clearly note (the points).

I therefore as is becoming prepare this representation to H.E. for you to find as represented and let effect be given.

Mr. Wingat to Ho. Governor General

July 15th 1880.

I have the honor to represent to Your Excellency, that I find, upon examination of the records of this Consulate, that the settlement of two very important cases, one involving the right of my countryman under the treaty with China, and the other implicating the good name of a citizen of the United States, is still pending.

I refer to the case of the assault upon Rev. Mr. Sites at Yenping, and the counter charge against him of shooting and wounding a Chinaman. Your Excellency is familiar with

the case, and with the measures taken by my predecessor, Mr. Consul De Lano, towards the just settlement thereof.

Relative to the assault upon Mr. Silis, I find nothing on file in this office from Your Excellency, later than your despatch of June 4th and nothing relating to the Charge against Mr. Silis. later than your despatch of June 23rd.

But since my arrival. I have received a despatch from the U.S. Minister at Pekin concerning these cases, and clearly showing the importance that is attached to a speedy and honorable settlement of both.

in order that the harmony between our respective Governments be not disturbed, and that all classes may be justly dealt with. His Excellency the Minister has favored me with a copy of a dispatch to His Highness Prince Kung, in which, after asking that orders be given for properly conducting the trials, he says, "The failure of "the Vice-roy to deal promptly "with this business, now six "months old, is calculated to "destroy confidence in his "good disposition and to "engender controversy."

I trust, therefore, that Your Excellency will see the

importance of no longer allowing delay on the part of any, and that you will at once direct the man said to have been wounded, to present his complaint at this Consulate, so that Mr. Sites can be arraigned and tried.

If the man does not appear, it will be my to insist, in accordance with instructions, that the Charges be officially withdrawn, in as formal a manner as they have been set forth.

I trust also that there will be no further delay in obtaining reparation for the wrongs done to Mr. Sites at Yunping, and that the officials

people of that Prefecture may be so admonished, that they will not, hereafter, take it upon themselves to amend the treaty rights of my countrymen.

Thus I shall be able most happily to inaugurate my correspondence with the Legation at Pekin, by reporting this vexed question settled, and disabusing the Minister of the idea that Your Excellency may be wanting in zeal.

and Nao Kun ti. were sometime
ago forwarded by the Nanking
Prefect and Magistrate: Lalin
Yu Ho shing and Huang Fu tan
were arrested: all have been
turned over to the Foochow Prefect's
Legal Bureau to be received
and examined. He, the prefect
has been repeatedly given
directions, pressing him
early and equitably to close
the case, as is on record.

I have now perused your
communication containing
the language of the U.S. Minister
at Peking as to satisfactorily
and promptly closing the case.
This agrees with my own views
as to dealing with the case. Your

the Consul, having just newly arrived at your post, naturally regard the first thing to be the settlement of an important case, so as to treat public business with due care and as of importance, I. President of the Board, hearing this, am still more pleased.

As regard directing the wounded man to repair to the Consulate to prosecute:- Chen Kwei is but a hawker. He is naturally unwilling to repair thither, and would find it difficult to prove himself the stronger party. Moreover, it is not for me. the President to direct or make him do (one thing or the other) It resembles the case of the

assault upon Mr. Sites, in which there was only a representation through Consul DeLano, it not being at all necessary for Mr. Sites to repair to the Chinese officials to present his complaint, I have already made clear reply (on this point) to Mr. Consul DeLano to find accordingly. I did not expect that your way of looking at it would be the same as this and find it greatly to be regretted that it is so. As to the firing of the gun, we should wait till reliable depositions and true proof have been obtained, when we shall know who fired the gun. No one will

be left, in the slightest, aggrieved.

I. President of the Board do not at all hold it to be true that Rev. Mr. Sills fired the gun. Why need you the Consul be over anxious on this behalf.;

To sum up: the important thing (in this matter) is a fair and early settlement: the important question is not whether or not there shall be a prosecution. As to the treaty rights of Americans, it is my duty as requested in your despatch, strictly to direct the Prefect and Magistrate of Kiukiang to admonish and instruct the literati and people that hereafter they must

examine the treaty and act in accordance therewith; so that Americans may obtain the rights to which they are entitled under the treaty, and that friendliness may be evidenced.

In addition to sending a dispatch to the Board of Trade immediately to direct the Prefet of Foochow promptly to hold an examination, make a finding and report it, that the case be dealt with, without allowing a moments delay; and in addition to directing the Prefet and Magistrate attending to observe and act according (to the orders now given them), I send to you,

the Consul this instruction in reply, to find as represented.

Again: the representation of several foreign Consuls are all accompanied by a foreign version. I would request you to accompany yours, hereafter, with the English text; then practice will be uniform. For this I shall be obliged.

Hon. Governor General to J. C. A. Wingat

July 22nd 1880

On the 18th July I received your representation, saying,

"I have the honor to represent
"to Your Excellency that I find,
"upon examination of the records
"of this Consulate, that the settle-
"ment of two very important
"cases, one involving the rights
"of my countrymen under the
"treaty with China, and the
"other implicating the good
"name of a citizen of the
"United States are still pending:

"I refer to the case of the
"assault upon Rev. Wm. Sites at
"Yenping, and the counter charge
"against him of shooting and

wounding a Chinaman.

"Since my arrival I have
"received a despatch from the
"U.S. Minister at Peking, concern-
"ing these cases, and clearly
"showing the importance
"attached to a speedy and
"honorable settlement of both.
"that all classes may be justly
"dealt with."

"I trust therefore that
"your Excellency will see the
"importance of no longer
"allowing delay on the part of
"any, and that you will direct
"the man said to have been
"wounded to present his complaint
"at this Consulate. If the man
"does not appear I request that

"the charges be withdrawn and
"cancelled- and that the officials
"and people of that Prefecture
"may be sternly instructed so
"that the treaty rights of Amer-
"icans (thus) will not be made
"a dead letter!"

"Thus I shall be able
"most happily to inaugurate
"my correspondence with the
"Legation at Peking by reporting
"this vexed question already
"settled."

I. President of the Board
find on receipt of this, that
the circumstances of this case
arrange themselves under
two heads, one the attack upon
Mr. Sites, the other the wounding

of Chunkuei.

The method to be followed in dealing with the case is this: the disturbers of the peace at Yenping must be clearly tried and punished according to law, at the same time whoever find the gun must be discovered and be dealt with.

Rev. Mr. Sites and Chen Kuei are both to be pitied: and ~~#~~ allowance for medicines and medical attendance must still be issued by the official to evidence the commiseration felt.

There are two heads of one case: they cannot be styled two cases. Two persons, Chen Wangtsai

Mr. Wingate to His Excellency Governor General

July 24th 1880.

I have had the honor to receive Your Excellency's reply to my despatch of the 15th instant relating to the assault upon Mr. Giles at Nanking, wherein Your Excellency states that:

"The important thing in this "case is that it be early closed"

"The important question is not "whether there shall be a prose- "cution or not &c &c."

I now respectfully represent to Your Excellency that while I agree with you as to the importance of an early settlement of the whole business I think that an open

investigation of both cases is of the utmost importance. His Excellency the American Minister at Peking, in several despatches, lays great stress upon the necessity of investigating the matter of the shooting of Chen Kuei. Surely it is no light matter to accuse one person of attempting the life of another neither your own Government nor my own will so look upon it. If Mr. Sites is guilty let him suffer; but if he is not guilty, let not his good name suffer by an unjust accusation. surely that were more cruel than the wounds inflicted at Nanping. I will receive

the petition of Chen Kuei at any date. If it is not presented, it will be my duty to ask that he and the officials who have made themselves conspicuous in this particular case (Change) be punished for preferring a false charge: and that the accusations be formally withdrawn wherever it has been made.

In the mean time I shall be glad to learn that measures are being taken at Yenping towards securing the treaty rights of my countrymen, and of the native Christians.

Regarding sending my despatches in English, I beg to represent to Your Excellency

that I find by the 30th article of the British Treaty, the despatches are to be written in English. but I find no reference to the subject in the treaty with the United States. I do not think it has been the habit of American Consuls to send their despatches in English. and in the absence of precedents, I should not like to commence, without advice from the Minister.

Ho. Governor General to Consul Wingate

Aug. 9th 1880.

I am in receipt of your.
the Consuls representation, saying:

"I am favoured with H.E.
"the Presidents dispatch of the
"22nd of July, relating to the
"Ellis Ajinping case. I, the
"Consul, also regard an early
"settlement as of importance.

"Regarding sending my
"dispatches in English. I find
"that no reference to this is
"made in the treaty with the
"United States, and I should
"not like to commence."

This comes to me, President
of the Board, Being, in receipt
of this I find that in this case

I have, first and last, by dispatches directed that the case be equitably examined into and dealt with etc. I have already at different times sent instructions in reply, for you to find as represented, as is on record. I now have your representation making the foregoing request. It is fitting that I again direct the officers in charge of the examination immediately to bring up the case and examine to a clear and well-grounded issue, requesting by report that the findings be approved and the case be dealt with that it may be early closed.

Coming to the local authorities

reporting, by petition, public business of their locality - that it was their duty to do. They are not the complainants against Rev. Mr. Sites. Now, the Consul making the mistake go on to request that they be punished for false (accusation) I perceive these words to be very much those not advantageous (or fit). Again: as to preparing a despatch, and taking back one already sent, there has hitherto been no such method of dealing. In the treaty, too, there is no clear text (for it). It is very difficult to act as requested.

As to the English text to accompany representations,

the reason for this (being wanted) is that in the 2nd year of Kuangsu in the case of the American Porter illicitly levying a contribution upon (sea) nets, Mr. DeLano put forward for his excuse, his lack of acquaintance with written Chinese. Thereafter he was several times bidden to accompany (his despatches) with the English text. This, then, was the reason of my request.

In addition to directing that the closing of the case be hastened, it is fitting that I send you this instruction in reply, for you to find as represented. For this I shall be obliged.

Yih. Acting Provincial Judge to-
Mr. Wingali. Aug. 9th 1880.

In the matter of the Methodist book-shop at Yenping. I am now in receipt of a general report from the Prefect of Foochow and others that they have clearly tried the case and concluded upon a finding with also the depositions of Chenkwei, Chen Wangtsai, Yaou-Nanti, Yih Hoahung and Huang-Funtai, and their finding agreeable to statute proposed, according to which the case may be dealt-with.

1. Acting Provincial Judge fix 3 P.M. (of Wednesday) Aug. 11th, as the time at which to

bring up the criminals to pass the Court that the case may be closed.

I hope then, that you, the Consul, on this day with the Interpreter will come forward to witness the trial, inasmuch as after Aug. 11th several days lie within the period for full court dress, during which criminal cases are not dealt with. If too long a time passes, there will be still greater delay.

Mr. Wingate to Yeh, Acting Provincial Judge. Aug. 10th 1880.

Mr. Wingate has received that note of His Excellency the Provincial Judge proposing that he should be present with his Interpreter at a joint inquiry on the 11th instant at 3 P.M. in the matter of assault upon Rev. Mr. Sites at Yenping. The Provincial Judge mentions one Chunkwei in his note. His Excellency will understand from the correspondence which has taken place, that if this Chunkwei is the man who is said to have accused Mr. Sites of shooting him,

Mr. W. can only listen to the charge at his own office. If the Chinese officials are satisfied that there was no shooting, the way is easy for them to write a despatch to this effect. If the matter of the shooting is disposed in either of the above ways/ cancelled or cleared up at this Consulate in China/ Mr. W. will be most happy to attend at the time proposed: if it is not he will be unable to do so.

It is understood that it was arranged with Mr. Consul De Lano that the trial was to be at the Mansion of the Provincial Judge. Relative

to the several matters regarding Proclamations, and the visit of Mr. W. to the Chapel at Yenping, and to Tienming, the Consul will hereafter send a despatch to the Vice-roy.

Uyeh. Acting Provincial Judge to
Mr. Wingate. Aug. 10th 1880.

I have just received your
the Consuls note with regard
to being present at 3 P.M. on
the 11th instant, to witness the
trial of the Nyenping case saying.
"Upon having in your note
"referred to Chenkwei (I have
"to say that) if the matter of
"the shooting be cancelled
"and put away, or be clearly
"arranged at this Consulate,
"I, the Consul, will then at-
"the hour proposed repair to
"witness the trial. If not, then
"I cannot do as requested.
"Again: I should first state
"clearly that the trial must

"take place at the Provincial
"Judges Yamen."

I find there is nothing
unsatisfactory in the matter
of wounds received by Chenkwei
being tried at the Yamen of
a Chinese official.

Now, as you, the Consul,
wish that the matter of the
wounds of Chenkwei be tem-
porarily separated from the
other matter, this resembling
Mr. Interpreter Bowles request
of day before yesterday that a
separate inquiry again be
made, I, now agreeably to
your idea, separate and put
aside to be separately examined
into and dealt with, the matter

of the wounds of Chinkwei.
But at 3 P.M. at the Provincial Judges Yamen, I shall still bring up for examination the several criminals assaulting Mr. Silis that the case may be closed.

I wait for a reply stating whether you will at that hour come forward to witness the trial. For this I shall be obliged.

Mr. Wingate to Yeh. Acting Provincial Judge &c. Aug 11th 1880.

Mr. Wingate has received the note of H.E. the Provincial Judge of this date, regarding the hearing in the case of the man charged with the assault upon Rev. Mr Silis at Yenping.

In accordance with your request it is my purpose to be present at your Yamen this P.M. with the understanding that Your Excellency is to see that the Charges that have been made against Mr. Silis are prosecuted at this Consulate, or formally withdrawn. If such is not

your understanding; will
U.S. kindly inform me at
once.

I have sent word to Mr.
Silis to appear at your Namun
at 3 P.M. but it is possible
he may not be able to get
there as he is at present away.

Yeh. Acting Provincial Judge
to Mr. Wingate. Aug 11th 1880.

"I have just received
your note and make myself
acquainted with its contents.
At 3. P.M. today, I, the Acting
Provincial Judge shall bring
up the several criminals in
the Sitka case, guilty of the
disturbance, to pass the ~~Court~~.

As to what you the Consul
say, "That I must agree that
"the Charge of shooting must
"either be heard up at the
"American Consulate (Yokohama)"
allow us to negotiate later.
This in reply. I hope that
you will find represented.
For this I shall be obliged.

Yeh, Acting Provincial Judge, etc. to

Mr. Wingate Consul.

August 24th, 1880.

In the matter of the Methodist Book shop at the small Water Gate of Yen Ping, I some time ago was in receipt of a report from Yen, Prefect of Foochow; Chang, Prefect of Yen Ping; and Liu Cheng, Proctor of the Prefectural of Justice saying that they had had up Yu-A-Sheng, Huang Futai, Chen Wang tsai, and Yao Nunti, together with the wounded Chén Kuei and that reliable depositions had been taken from them in a searching examination, and a finding proposed, and they reported this that the case might be dealt with.

I, the Acting Provincial Judge, immediately thereupon fixed a date, and wrote you requesting you, the Consul, to come to the Yamen to witness the trial. Later, I informed you that the trial and examination

would

would be at my, (the Provincial Judge's), Yamen, I was not honored with your (the Consul's presence). It was a great pity.

I find that Criminals, in cases forwarded by the Prefect to the Provincial Judge, should by the Statute be retried by the Provincial Judge, and a report be made by the latter requesting that the case be closed. In this great heat of the summer season one cannot expediently keep criminals long in restraint, causing leanness and death. I find that the U.S. Treaty, Art 18. provides that "if subjects of either country relying "on their being the stronger, make a "disturbance, the officials of the two "nations should sternly deal with the "case according to law without the "slightest partiality". That criminals who are Chinese should be sternly dealt with by Chinese officials to make the hearts of all submit is extremely proper. We have repeatedly received orders from the Tsung li Yamen urging us to expedition, we ought (therefore

therefore the more, on the report to hand, to propose a finding that the case be closed.

The action taken is now, item by item, drawn out below.

1st The Prefect of Yen Ting, Chang-Hue-Cheng, must be recorded once for demerit for his inefficiency to afford protection, he being personally responsible for the locality.

2nd The Magistrate of Nan Ping, Liang Jing Hsi not having made satisfactory provision for the protection of foreigners when they came to the locality (thus) causing a disturbance to arise, he being responsible for the locality, his post has already been withdrawn.

3rd The literati of Yen Ping having proved themselves unable to admonish and induce the people to keep the peace and not give rise to an affair, should be ordered to be fined for medical attendance and medicines.

4th Chen Kuei deposes "I am forty "eight years of age, and belong to the "Hsien Yu district of the Hsing Hua Prefecture

"Prefecture, I have heretofore sold dried
"lungnans for a living. On Sunday, the
"14th December, 1879, in selling these I
"came to the Small Water Gate of Yenping
"where at the doors of a foreign bookshop
"I saw a multitude of people making
"a great uproar. I therefore took my
"stand there to look on, Unexpectedly,
"upon the report of a gun, I received
"a wound in the right arm, I did not
"see clearly who fired the gun, Later,
"the Intendant, Prefect, and Magistrate
"of Yenping examined the seat of the
"wound, and directed a Doctor to completely
"cure me, "A true deposition." The inquiry
shows that Chén Kwei was not an
accomplice in the making of the
disturbance

5th Yü A Sheng deposes, "I am a
"Nanping district man, aged 31 years.
"I have heretofore made a living as
"a labourer".

6th Huang Futai deposes, "I am
"a Nanping District man, aged 37 years,
"have hitherto tried to get a living as

(a

"a hawker with little capital". Both
of these last two men depose that -
"there has hitherto been a bookshop at
"the small Water Gate of Yen Ping.
"There has never been worship or preaching
"there. At noon of the 14th December, a
"foreigner preaching and reading service
"there, children in the neighborhood
"went in to see, and were cursed at and
"reviled by the foreigner. The children all
"burst out crying. I, with Yao Hsun ti,
"and Chên Kwang tsai were passing and
"inquired into the circumstances. Feeling
"resentment on (the children's) account, I was
"just disputing with the foreigner when
"I heard the report of a gun. I was
"not able to see clearly who fired. Many
"men outside shouted that a man had
"been wounded. Feeling still less inclined
"to submit, I said aloud that I would
"see the officials with him and discuss
"the rights of the case. Just at this time
"the foreigner went out by the side door
"of the bookshop, the people following and
"pursuing to Lü chu ling (Green Bamboo
Ridge)

"Yu A Sheng in front held his left hand,
"while I, Huang Futai, held his right
"hand. The path there was uneven causing
"the foreigner to stumble forward and
"come to the ground. The multitude cried
"'Bind him and lets see the officials'.
"We had not begun this when, suddenly
"hearing a gong sound and knowing it
"to be the officials coming to keep down
"(the people) the multitude separated
"and ran away. We each of us also
"fled and avoided. On the 25th June
"we were arrested by the Yamen runners
"and forwarded to the Provincial
"Capital and ordered handed over to be
"tried & dealt with. We have now been
"favored by being brought up. It was,
"however, but a moment's breach with
"us. We were not planners and
"ringleaders. A true deposition".

It appears that Yü A sheng and Huang Futai on passing the bookshop and inquiring into the circumstances felt resentment on the children's behalf, and that, later, hearing the report of a

gun,

gun and the croud shouting - they said "Lets see the officials". On the road coming to Green Bamboo Ridge they held fast Mr. Sites' right & left hands so that he stumbled forwards & hit his face against the ground, bruising his right eyeball. The matter not concerning them a breach thus originated and a disturbance arose.

Finding: Yu ch Sheng and Kuang Futai besides holding Mr. Sites hands so that he stumbled and was wounded, the (statutory) punishment for this being only 30 blows, a light punishment, we need not debate about, should according to the statute against "Doing what one ought not", graver case, inflict 80 blows and be cangued for one month, to be released and let go free at the expiration of that period.

7th Chên Wangtsai deposes that he is of Nanping District City & 31 years of age.

8th Yao Nun ti deposes that he is of Nanping District & 37 years of age.

(Both

Both also depose "We both hawk
"vegetables in Yen Ping for a living.
"There has hitherto been a foreign
"book shop at the small water gate
"of Yen Ping. There has never been
"worship nor preaching there. At noon
"December 14th 1879. a foreigner preaching and holding
"worship there, children in the neighborhood
"went in to look on, and were cursed
"and reviled by the foreigner. The
"children burst out crying together. At
"this time Yu with Yu a Shing and
"Hsiang Tutai, now in custody, passed
"by and inquiring into the
"circumstances felt resentment (on
"the children's behalf). We were just
"disputing with the foreigner when
"we suddenly hears the report of
"a gun but were not quick
"enough to see who fired the gun.
"Outside many cried that a man
"had been shot. We felt still less
"inclined to submit and said aloud
""Will see the officials and discuss the
"rights of this". Just at this time the
foreigner

"foreigner went out by a side door. The
"people pursued and followed at his
"heels to the Green Bamboo Ridge.
"I, Yao nun tü, going on a head, saw
"Yu-ai-sheng and Kuang Fuhai holding
"the foreigner by his hands and sleeves.
"The path there was uneven so that
"the foreigner stumbled forward and
"fell to the ground. I, Chen Wang-
"hai was a little in the rear and
"only saw the foreigner stumble of
"himself and come to the ground.
"At this time the people cried —
"" Bind him lets see the officials".
"We had not begun when we suddenly
"heard a gong sound and knew that
"it was the officials coming to keep
"down the people. The multitude
"separated and ran away. We ran
"but did not get away and were
"arrested by the Magistrate's runners
"and forwarded to the Provincial
"capital and ordered turned over to
"be tried and dealt with. We have
"now been favored by being had up and

(examined

"examined, but it was with us only the
"breach of a moment. We were not
"planners or principals. A true deposition",

It is found that Chén wangtsai and Yao Hun ti in a matter not concerning themselves entertained on another's behalf a feeling of being unfairly treated so that an affair broke out. From the statute it is found that in their case agreeable to the statute for - Doing what one ought not - graver case, 'inflict eighty blows', there should be proposed as their punishment - 80 blows of the larger bamboo (net. for a nominal hundred), and that they should be released.

9th Yü ch Sheng & the others four criminals in all should be sent back to Yen Ping to the place where they offended, to be tanged, punished and released.

10th Chen Kuei his wound having smoothed over may prosecute or not, he alone is master in this matter, and to exhibit a compassionate feeling

(he

he is still to be given money for the expenses connected with the curing of his wound.

11th As to the Rev. Mr Sites firing a gun, they severally depose that they cannot definitely point out (the man — firing) Of course it was not Mr. Sites who fired, this is already plain. There is not the slightest harm to Mr. Sites reputation.

12th It is found that Rev. Mr. Sites is not one of those who, relying upon the doctrine, will do anything (stop at nothing). This case being compared with previous cases in which wounds have been received, the Yuting literati (it appears) should be fined $10. The money to be given Mr. Sites for medical treatment and medicines, to show redoubled courtesy.

13th As to who it was after all who fired the gun: we should wait till we clearly ascertain this and then deal with the case.

14th As to the treaty rights of the missionary, the Prefect and Magistrate must examine the treaty and act —

(agreeably

agreeably thereto, that the missionary may enjoy his privileges under treaty.

15th. Hereafter when a missionary comes to the locality he will report; the local authorities must then immediately protect him, in the hope that there the people and those of the religion may be at peace with one another.

The above criminals making the disturbance have already been sternly dealt with by law. As to the firing of the gun it has been clearly ascertained that Mr. Sites was in no wise concerned. Who after all it was that fired the gun, wait till we ascertain clearly and then take action. The local authorities incompetent to protect, have, also, been awarded punishment, and the Prefect and Magistrate of Yenping have been directed to administer hereafter according to treaty, and, as needed, from time to time, to afford protection.

This is what is called "closing

(the

the case equitably" and coincides with the original purport of the United States Minister's request and your own, as also with the intent of Art. 18. of the treaty. I think the U.S. Minister at Peking is also willing to close the case.

In addition to reporting the particulars as to our thus dealing with the case and closing it, to the high officials requesting that they by despatch represent them to the Tsung-li Yamen to find as represented and to communicate them by despatch (to the U.S. Minister) that the case may be cancelled, it is fitting that I inclose herewith the $. 100 fine to be given to Rev. Mr. Sites. I hope, then, that you (the Consul) will find as represented, and in turn report that the case may be cancelled.

For this I shall be obliged.

A necessary despatch: Attached a check for 100 dollars.

No. 16.

Mr. Wingate to Yeh, Acting Provincial Judge —

Septemb. 2nd, 1880.

Sir: —

I have received your despatch dated the 24th of the present month, relating to the matter of the assault upon Rev. Mr. Sites at Yen Ping foo on the 14th of December 1879. Therein Y. E. refering to the previous action of your subordinates, and to your having fixed upon a day for the examination at the Yamen of the Provincial Judge, whereat the Consul was honored with an invitation to be present, but did not come forward, says, "It was a great pity". I heartily agree with Y. E. that it was a great pity. For had I been present with Mr. Sites and his witnesses, and had Y. E. listened to their testimony. I think your summing up of the case would have been somewhat different from what is now reported. But Y. E. knows that I could not then be present since

(you

you had not acceded to my demands regarding the charges against Mr. Sites. I note with pleasure Y. E's kind heartedness in not wishing to keep men shut up during the great heat of the summer season, thereby causing leanness and death. Also your reference to the duty of Chinese and American officials to deal sternly with criminals, without the slightest partiality, so as to make the hearts of all submit, is most opportune. Yet, for all this, after waiting more than eight months, it seems to me that the cause of justice would not have suffered, if Y. E. had delayed judgment, in order to hear what might have been said by the one who has been the greatest sufferer.

Regarding your findings in the case, I have to observe that while your conclusions, purporting to be based upon the evidence given by the men Yu-chheng, Kuang Fut'ai, Chen-wan-tsai and Yao-sun-ti, would if their statements were true, and if there was no other

(evidence

evidence in the case, be just and honorable;
showing that Your E's wisdom and
experience with affairs has qualified
you for the position you now hold, the
known facts in the case do not lead me
to be satisfied with the judgment
rendered as a final settlement of the case.

The case has been pending too long,
and Y. E. is familiar not only with the
correspondence between this office and the
various Chinese officials, but, also with
the actual state of affairs for a long time
existing at Yen Ping, with all the
circumstances attending the assault, and
with the weak attempt to cover up
the criminality of others by pushing
forward these four hawkers and the
man Chen Kuei, for me to suppose that one
with the wisdom of Y. E. has been
deceived by the men whose stories are
reported in your despatch.

Y. E. knows that the men lied at the
very opening of their statements, wherein
they said that there had never been
worship or preaching at the Chapel or
bookshop

bookshop as they call it. Every official who has had anything to do with the case, from the Viceroy down, knows that worship has been held at Yentsing for many years, interrupted only at times by the unlawful persecution of the gentry of the place, who, not restrained by the local officials, have said that the Christians should not do what His Imperial Majesty in his clemency has said may be done. Y. E. further well knows that even if a gun was fired by any one, it was not the cause of the riot, that the people came to the place for unlawful purposes in obedience to the placard posted the day before, summoning them to assemble "to bind "to abuse with filth, and cast out of the "city the foreigner and his vassals." How is it that Y. E's judgment has nothing to say regarding the unlawfulness of this, while it five times repeats the story of the gun, and the still more stupid one that men whose profession is to teach people not to curse and revile, incited

incited the riot by cursing and reviling innocent children. There is one point in which the stories of these witnesses agree with the facts. They all say that they were not the principals or planners in the affair. In Y. E. acceptance of that statement I fully concur. Such miserable hawkers are not the men who for years have kept Yenping in a state of rebellion against the Imperial authority. You have already dealt with the four men according to Chinese law, convicting them upon their own confession of being participators in the disturbance. It is not for me to say that they have had too little or too much punishment. They certainly deserved some blows for telling such lies about the case.

As to the degredation of the Prefect of Yenping and the District Magistrate; their sentence has been long since recorded, and the matter made known to the High authorities at Peking, it is not for me of my own motion, to bring it up again.

As to the matter of the firing of the gun, I am glad that you see the ridiculousness

ridiculousness of the charge, but your finding and report have not the notoriety which was accorded to the accusation. Moreover you seem to leave it in doubt whether or not the firing of a gun by someone might not have been the cause of the riot, when you know that such was not the fact. In addition I have witnesses to convince Y. E that no gun could have been fired in the chapel.

As to fining the gentry for inciting the mob, it would seem to be very proper. But I do not know that Mr. Sites will be willing to receive money in payment for his bruises, nor do I know whether the sum sent to me by you is too much or too little to pay for the damages done to the chapel and the expenses entailed upon the mission by the action of the people of Yentsing. I therefore herewith return to Y. E. the check for $100. which you sent to me, asking you to retain it until the case is settled.

Regarding your 14th and 15th findings, which relate to measures to be taken

(for

for the future preservation of the peace at Yentai, I consider them totally inadequate, in view of what I find upon the records of this office, both as contained in the despatches of my predecessor, and in those from the various officials of this Province. If it is the purpose of the Viceroy to prevent future disturbances which may lead to complications in comparison with which the present case is but child's play, some more effective measures than that indicated by Y. E. must be devised.

In conclusion I am sorry not to be able to report to my superiors that the case is settled, but Y. E. will well understand from the foregoing, why I cannot do so.

If I am to understand from your despatch that nothing further in the cause of justice can be done by Y. E or the Viceroy, I will forward a copy of your despatch, with my protest against the same to H. E. the U. S. Minister at Peking. If however there is any possibility of attaining a satisfactory result here, I will cheerfully listen

to

to the propositions tending thereto.

availing myself of the opportunity to assure Y. E. of my regard, and of my wishes that every blessing may be showered upon you.

I am. &c. &c.

(signed) J. C. A. Wingate

No. Governor General &c. to Consul Kingate.

Without preface. I reply.

I have received your note and learn that you, the Consul, propose on the 20th September to come to my Yamen for an interview. I am very glad to hear this, but since the moon came in, the season just happening upon the time for the autumn sacrifices and public business being pressing, I have no time to invite and receive. When I shall have a little leisure, I will again notify you. If it is on account of the Yentsing case (that you wish to see me) I hope that you will repair to the grain Commissioner's Yamen, and have a personal interview with Tartai's Fang and Yeh, when you can negotiate and settle everything.

I write this special note in reply and avail myself of the opportunity to repeat my wishes for your promotion.

My card is separately prepared.

September 19th, 1880.

Mr. Wingate to His Excellency the Governor General,

No. 22 September 27th, 1880,

Sir:—

I respectfully represent to Your Excellency that sometime ago I received a despatch from Yeh, Acting Provincial Judge &c. dated the 24th of August, wherein he gave a report of his judgment in the case of four men implicated in the assault upon the Rev. Mr. Sites at Yentsing and notes the case as closed. Whereupon I sent a reply to the Provincial Judge protesting against the same as a final settlement, in that the reasonable demands of justice were not satisfied thereby. In my reply I said "If I am to understand "from your despatch that nothing "further in the cause of justice can be "done by Your Excellency or the Viceroy, I will "forward a copy of your despatch with "my protest against the same to His Excellency "the U. S. Minister at Peking, If "however, there is any possibility of

attaining

"attaining a satisfactory result here,
"I will cheerfully listen to any
"propositions tending thereto." To this
despatch I received no reply, whereupon, wishing to do all I could
to insure harmony between the officials
and the people of our respective countries,
on the 18th instant I requested H. E. to
grant me an audience. H. E. replied that
you were busy at the time proposed
and referred me to the Provincial Judge
if it was the Yen Ping case about which
I wished to talk. Now the Judge having
closed the case and not having replied
to my despatch, it is not proper that I
should do so. I therefore have the honor
to state to H. E. that it is my purpose
at once to report my great dissatisfaction
to H. E. the U. S. Minister and await
his further orders.

I avail myself of the occasion
to present to H. E. my respectful salutations.

I have the honor. etc,

(Signed) J. C. A. Wingate

No, Governor General to Mr. Wingate.

On the 23rd day of the 8th moon (29th Sept) I had the honor to acknowledge the receipt of your despatch dated the 19th day of the 7th moon [24th August] in which you stated that a "despatch was received "by you from the Acting Provincial Judge "Yeh, stating that the case concerning "the assault upon the Rev. Mr. Sites at "Yenping had been settled, etc. After "having received this I, (the Consul) "immediately pointed out the unjustifiable "action taken in the matter etc. which "has been on record, against which I "shall forward copies of the two despatches "(to and fro) to His Excellency the U. S. "Minister at Peking. In order to "ensure the friendship of both countries "(China & America), I purposely wrote for "an interview with Y. E. after which "I was honored with a reply that I "should proceed to the Yamen of the "Grain Commissioner to discuss with "Yeh, Taotai if the matter concerns the

(Yenping

"Yen Ping question. Be it remembered that
"Yeh Taotai has stated that this question
"was definitely settled, to whom I have
"sent a communication relating to the
"matter, for which no reply is made
"thereto. I, (the Consul) seeing the
"action taken is against reason, &
"therefore lay the matter before H. E.,
"and my object is to represent the
"inadequateness given to the case to
"H. E. the U. S. Minister at Peking, and
"hence await for instruction."

This having come before me, the Governor General, and upon examination I find that the question concerning Rev. Mr. Sites at Yen Ping had, & according to the joint representation of the Members of the Foreign Board, been settled for which I have represented the matter to the Tsung-li-Yamen so that that office might communicate with the United States Minister at Peking for which the matter has been recorded. Now upon further enquiry I find that the Train Commissioner

(Yeh,

Yeh, Taotai, has reported that the action taken in this question is, according to the Treaty, quite in harmony with its stipulations. Furthermore the wish of the U.S. Minister at Peking as well as that of the Consul, who had frequently asked for the punishment of the offenders, had been amply made, therefore the Consul still claimed the question to be in an unsatisfactory result.

With reference to the object of not answering your despatch (by Yeh. Taotai) is that, when on receipt of such despatch, Fang, Taotai had gone to Consult with the Consul so as to bring the matter to a satisfactory conclusion, and the result is to prevent misunderstanding (lit. discussion) and the waste of paper and ink, etc. It is not that Yeh, Taotai having no wish to act in concert with the Consul to have the question brought to a close. I, the Governor, have appointed Yeh, Taotai, and Fang, Taotai to attend to the management of this question, of which I have given the Consul, in

(reply

reply to his note, to understand, wherefore he may, in order to ensure friendship and mutual confidence in transacting public business, act in concert with them so as to bring the question to a final conclusion, and it is requested that none shall withhold his own opinion,

A necessary communication,

Mr. Wingate to Fang, Taotai.
No 24. October 7th, 1880.

Mr. Wingate presents his compliments to Fang Taotai and regrets that, his Interpreter been absent this afternoon, he cannot answer the messenger.

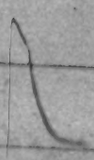
Mr. Wingate understands that the Taotai proposes that the Consul should go to the Yamen in Foochow, to talk on the Yen Ping case.

Mr. Wingate thinks that, as the report of the Provincial Judge has been sent to Peking, it will be best for the Consul to send his own report, before he asks for more than he has already sought.

If, however, the officials have any proposition to make, which will help the matter, the Consul cannot refuse to listen.

The Consul sends all good wishes to Fang, Taotai.





Foochow, July 22nd, 1880.

To J. C. A. Wingate Esq.
U. S. Consul.

Dear Sir,

In view of steps recently taken by the native officials indicating a desire on their part to bring the Yen Ping case to an adjustment, we now state the conditions on which we, on the part of the mission, would be willing to settle the case.

First. In addition to the reinstatement of our preachers in the Yen Ping chapel we demand the immediate restoration of our Kienning fu and Shaheien chapels both as evidence of good faith and for the removal of the precedent established at the cities named which have been the source of our difficulties in the western part of the province for many years.

Second. We ask the erection of a stone

(tablet

tablet at the Yen Ping chapel stating our treaty rights and our claim on that property as both a chapel and bookstore.

Third. As our preachers were sent away from Yen Ping by the officials we must request that they be returned by the same.

(signed) F. Oklinger
Secretary

Despatch No. 70.
2 Inclosures 2.

Mr. Angell to Prince Kung.
96/1880. November 29th, 1880
Y. I. H.

On assuming my office I found the correspondence between my predecessor, Mr. Seward, and Y. I. H. & concerning the attack at Yen Ping on the Reverend Mr. Sites.

I read with great pleasure the communications in which you informed Mr. Seward of the orders you had given to the Provincial Authorities of Fukien for prompt and just action. Had your commands been faithfully executed there is reason to believe that justice would long ago have been done. The Acting Provincial Judge, Yeh, states in his communication of August 24th, to Consul Wingate that the Provincial Authorities "have repeatedly received orders from the Tsung li Yamen urging us (them) to expedition".

Your communication of July 28th to Mr. Seward certainly gave him

(and

and our Consul reason to expect that the man Chen Kuei, who professed to have been wounded by Mr. Sites, would promptly appear at the Consulate and make his complaint, or that the accusation against Mr. Sites would be formally retracted. Obviously the settlement of this point was the proper step to take first. H. E. the Governor General, in his communication of June 23rd to Consul De Lano admits this, saying "The request that you, the honorable "Consul, make, that Chen Kuei's case be "first examined is one that can be acted on".

But notwithstanding this admission, H. E. in his communication to Consul Wingate, July 23rd, declined to send Chen Kuei to the Consulate to make complaint. If it be said he had not yet received your specific order to do so, the fact still remains that he never did subsequently execute your order to send Chen Kuei to the Consulate, and yet took no steps to see that the charge against Mr. Sites was retracted. His course in this

this respect you will hardly expect this Legation to consider as satisfactory.

Nor is the course of Yeh, acting Provincial Judge, any more in accordance with the just directions of H. E. H. When on August 9th he announced to Consul Wingate that he was ready to try four persons, the Consul again asked, as was proper, that Chen Kuei appear at the Consulate with his complaint against Mr. Sites, or that the charge against Mr. Sites be withdrawn. The acting Provincial Judge consented to neither request. He simply proposed to omit the question of the firing of the gun from the investigation, and to negotiate later. With your explicit instructions that Chen Kuei should go to the Consulate, Why should he talk simply of negotiating? He is duly, I conceive was to obey you.

Again, in your despatch of July 6th to Mr. Seward, you state that emphatic orders have been issued through the Viceroy to the Prefect

(and

and District Magistrate" to proceed at once "with the greatest thoroughness to arrest "the rioters and that they must all "be brought to appear in the case."

What really was done? Four men were brought up "poor hawkers" as the Judge Yeh calls them. They all swore, and all the facts we know confirm their testimony in this particular, that they were not the principals or the planners. Although Mr. Sites was knocked down and his eyes almost ruined with a fork and was bound and was bruised until he was senseless, the only men arrested are found guilty of no graver offense than "doing what one ought not" and of an offense which receives comparatively light punishment. I am not prepared to say that these "poor hawkers" deserve any severer punishment than they are sentenced to receive.

But it is difficult to belive that the officials have seriously attempted to carry out your just orders,

(or when

when of all the rioters who were engaged in this crime committed in an open street and in the presence of many persons, a crime stimulated by placards posted publicly in the town, none of the instigators or leaders are brought to trial. It is difficult to reconcile the facts with the belief that the Prefect or the Judge or even the Viceroy shares your earnest desire to execute justice in the case. I fully appreciate the difficulties which lie in your way, when, as is obviously the case, so many of the literati and gentry and, I fear, officials are hostile to the presence of foreigners in Yen Ping and some other places in Fukien. But I have no doubt of your disposition and your power to secure protection to American citizens who are peaceably engaged in lawful pursuits.

It seems to me that in view of all which has occurred it is not too much to ask,

(1st

1st. That rigid instructions be given to continue the effort to arrest and punish the men who were really the leaders in instigating and making the attack upon Mr. Sites.

2nd That since the Judge admits Mr. Sites innocence in the following words, to wit:—

"Of course it was not Rev. Mr. "Sites who fired; this is already plain; "there is not the slightest harm to Rev. "Mr. Sites reputation",— and in these words also—

"It is found that Rev. Mr. Sites "is not one of those who relying upon "the doctrine will stop at nothing."
(see communication of Yeh, Acting Provincial Judge, to Consul Wingate, Aug. 24th, 1880.)

and since the Judge thought proper to fine the Yenping literati $100. to be paid to Mr. Sites, which money Mr. Sites very properly declines to receive.

Therefore that in some way (as

public
" as the accusation it be declared that
Mr. Sites did not fire a gun or give
provocation for the attack on him by any
unlawful or improper act.

3rd That the Methodist Mission
be at once put in possession of their
chapels at Yenping, Shahsien, and
Kien-ning, that the damage done to
their property be made good to them
and the preachers, foreign and native
be allowed at once to resume their work.

4th That some proper means
be taken to remind the officials and
the people of Yenping that the owners
of the property are the only proper
persons to decide to what uses the Chapel
near the small Water Gate in
Yenping is to be devoted, so long as
it is not used for illegal purposes.
The best means would seem to be
the placing of a tablet on the Chapel
stating briefly that the Treaty guarantees
this right to the owners.

5th That some efficient means
be taken by proclamation or otherwise

(to

to warn people against repeating such outrages so that they shall feel that these offenses are a flagrant violation of treaties and cannot be committed with impunity.

I trust confidently to the disposition, which you have shown to secure justice in this affair, to give to the Provincial Authorities of Fookien the further instructions which are manifestly needed.

I understand from the correspondence of Consul Wingate with the Chinese officials that the latter will before now have probably reported to you. I enclose copies of such of the Consul's letters as seem necessary to assist you in examining the case.

With assurances of distinguished consideration, etc. etc.

(signed) James B. Angell

Enclosures. Mr. Wingates N. 5 to Ho - July 16th.
" " " 8 " " " 24.
" " " 13. Yeh Aug. 11th
" " " 22. Ho Sep. 27th
" " " 24. Tang - Oct. 7.

Despatch No. 70.
Enclosure 3.

98/1880.

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication in reply.

Upon the 29th ult. instant I had the honor to receive a despatch from Y. E. in the case of assault upon the Rev. Mr. Sites at Yen Ping fu in Fukien Province, stating that the case was still unsettled, giving certain points necessary to be sought in its settlement and requesting further action by this Office, etc. etc.

I had sometime previous to this received a letter from the Fukien Provincial Authorities reciting that the Provincial Judge and Intendant of Circuit had tried the case and devised a mode of settlement; that they reported this mode of settlement to your Consul. As the Consul has reported it in full to Y. E. it need not be repeated here.

Having now received Y. E's despatch

(as

as quoted above, I have sent a copy of it to the Provincial Authorities with instruction that the local officers be directed to take up the case again and dispose of it in a manner conformable to justice.

H. E. James B. Angell.
etc — etc — etc — etc.

Peking, December 6th, 1880.

Despatch No. 70
Enclosure 4.

Mr. Angell to Mr. Wingate.
No. 10. December 10th, 1880.

Sir:

On receiving your despatch No. 7, on the Yen Ping case, I addressed a communication to Prince Kung, succinctly reviewing the proceedings as they were described in your despatch and in the correspondence between you and the Provincial Authorities. I was obliged to take the ground which was so justly taken by you, that the action of the Provincial Authorities was very unsatisfactory, that it was difficult to reconcile the facts with the belief that the Prefect or the Judge or even the Viceroy shared the desire of the Prince to execute

justice

justice in the case. I may say here that I think your action was judicious and prudent throughout.

I enclose an extract from my communication to the Prince, setting forth the requests which I thought proper to make.

I have now received a reply from him a copy of which I enclose. You will see that without discussing specifically my particular requests, he concedes the inadequacy of the proceedings of the Provincial officers by directing them "to "take up the case again and dispose "of it in a manner conformable to "justice,"

The requests made in enclosure 1. may serve you as a guide in

(determining

determining the results to be sought in your further negotiations. Your discretion and own experience will guide you in the choice of the exact methods, but the authorities should certainly be urged to proceed without delay.

You will observe that I did not present one request made by the missionaries, namely, that the native preachers be formally conducted back to their work by the officials. It seems to be that if all the preachers, foreign and native, be allowed freely to take up their work and prosecute it, and the several requests made be complied with, the situation may be considered as satisfactory.

I am, &c, (signed) James B. Angell.

Ascertain if this item is charged to Mr. Seward at the Treasury C. P.

made

No. 71.



Legation of the United States.
Peking, December 14th, 1880.

James B. Angell to the Secretary of State.

Subject.

Certain sums expended by Mr. Bailey.

Synopsis.

Refers to Department instruction number 39. and states that there is no possibility of paying the amount in question from the incidental allowance. Suggests that if the Department cannot meet the amount Mr. Seward be called upon.

No. 71.

Legation of the United States.

Peking, December 14th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have had the honor to receive your instruction, number 39. [20th Sept 1880] in acknowledgement of Mr. Seward's despatch number 730. It refers to two items of miscellaneous expense incurred by the late Consul General, Mr. Bailey, under Mr. Seward's instruction, and states that the item for postage—$14.03—will be charged to Mr. Bailey's account

account, but declines to
dispose of the item for
printing in the same manner
for reasons stated.

In reply I beg leave
to state that I see no possible
way of paying the amount
which still remains in
question out of the allowance
for the incidental expenses
of this Legation. An
examination of the incidental
expense account for the past
ten years shows that the
appropriation has never been
sufficient to meet the
necessary expenditures under
that head, and that from
year to year the officers of
this

this Legation have been forced to elect whether they would disobey the instructions of the Department in regard to expenses for keeping the proper records, the archives suitably bound, etc. etc. or would pay sums from their own pockets which the Government properly ought to pay. Mr. Seward's despatch, number 743., shows that, during the four years of his administration, the Secretary of Legation had in this way paid out sums amounting to a total of $872.34; I see no reason to hope that the necessary incidental

incidental expenses of the Legation for the current year can be reduced below the average expenditure of the past, and this has been invariably in excess of the appropriation.

Hence it becomes manifestly impossible to pay the amount in question — $96. — out of the allowance, and it follows, also manifestly, that, if paid here, it must come from the private means of the present Minister. Such, of course, could not have been the intention of the Department.

I beg leave, therefore, to

to suggest whether the Department, in view of all the circumstances, may not still see its way to dispose of this item in the accounts of the late Consul General, or, in case it cannot do this, whether the Minister who incurred the expense should not be called upon to meet it.

I have the honor to be,
Sir,
Your obedient servant.
James B. Angell.

Bureau of Accounts

Wooden

No. 72. One Enclosure.



Legation of the United States.
Peking, December 14th, 1880.

James B. Angell to
the Secretary of State.

Subject.

Furniture bought for Commission.

Synopsis.

Refers to Department telegram of August 9th, and forwards a statement of account with 4 vouchers. Suggests that the furniture be divided between the Minister's and Secretary's houses, two thirds to the former and

and one third to the latter.

No. 72. One Enclosure.

Legation of the United States.

Peking, December 14th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I send herewith my 1/72 account with the Government for furniture purchased in accordance with your telegram of August 9th, 1880.

Accompanying the account are vouchers "A." "B. C. D. E." 2nd "F. G. H. J. K." "L. and M." being receipts from the persons from whom the articles were purchased.

Voucher

Voucher "C 1st 4", being a receipt for $65. paid for a dining room carpet, has not, owing to a prolonged obstruction of the mails, yet reached me from Shanghai. I am writing to Consul General Fleming to procure a copy and send it to you by the mail which carries this, if possible. You may expect it by the following mail, if it does not reach you with this. I remitted the money for it some time ago.

Voucher rec'd at Dept Jany 31, 1861 & attached to account.

You will see that I have not expended the whole amount authorized — $3,000 — but

but a sum less by $44.68
Mexican than the whole.
I therefore charge myself
with the equivalent of
that amount, or say $42.89
U. S. gold coin. As all bills
are rendered here in Mexican
dollars I have been obliged
to render the account in
such dollars.

The articles selected
by Mr. Swift and used
by him in his residence
have all been brought to
this Legation, except "the six
"common bowls and one
"common stone basin, value
"56 cents" named in voucher
"G." These were not to be
found

found when the other articles were removed, and have probably been stolen by some servant. A portion of the articles are in my residence, a portion in the Secretary's house, and the remainder are carefully stored on the premises.

I await your instructions concerning the disposition to be made of the property above accounted for.

I earnestly recommend that, if compatible with the views of the Department, it be retained for the use of the Minister and the Secretary. I think, should this recommendation meet

meet with favor, it would be proper to allow the Minister to retain say two thirds of it, and the Secretary one third. I judge that the present Secretary and I could make a satisfactory partition on that basis.

Inasmuch as some of the articles procured by Mr. Swift are essentially duplicates of those in the residences of the Minister and Secretary, it might be well to authorize the sale of such articles, and the purchase with the proceeds of the sale, of other articles more needed. This residence

is

is very simply furnished, and the carpets in the drawing room and the lodging rooms are very far gone. By next autumn the occupant of the house will find it necessary to renew some or all of them.

I think it proper to say that I have found it necessary to expend several hundreds of dollars for articles of furniture and household use which I have not charged to the Government.

I trust that this account may be adjusted and the instructions concerning

the

the disposition of the furniture may be given to me before the close of the term of this administration, as the purchase has been made by your authority with a full knowledge of all the circumstances.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell

Enclosure.

1. Account of furniture purchased for the use of the Commission, with vouchers.

Copies to Messrs. Griffin Feby 18/81 Cridle

Acked. stating blanks would be sent Feby 18/81 Griffin Cridle

No. 73.

Legation of the United States.

Peking, December 15th, 1880.

DEPARTMENT OF STATE
FEB 18 1881
RECEIVED

James B. Angell to the Secretary of State.

Subject.

Blank passports.

Synopsis.

Supply exhausted. Asks that one hundred passport forms be sent forward as soon as possible.

No. 73.

Legation of the United States.

Peking, December 15th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

My supply of blank passports being almost exhausted, I have the honor to request that a new supply, say 100, be sent me at the earliest possible moment.

I have the honor to be,

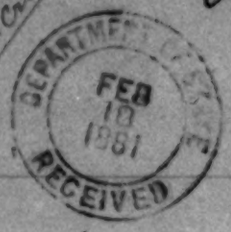
Sir,

Your obedient servant.

James R. Lowell

Ack with thanks
Refer to Mr. Scanlon
C. P.

Mr Adee & Mr Scanlon



docket, with thanks
Feby 23. 1881
Mr. Cridler

No. 74. One Enclosure.

Legation of the United States.
Peking, December 18th, 1880.

James B. Angell to
the Secretary of State.

Subject.

Cotton and woolen mills in China.

Synopsis.

New effort being made by Chinese
to start a cotton mill at Shanghai.
A woolen mill established by the
viceroy of Kansuh at Lan Chow fu.
Progress slowly made among the
Chinese in the appreciation and
use of machinery.

No. 74. One Enclosure.

Legation of the United States.

Peking, December 18th, 1880.

Honorable William M. Evarts,

Secretary of State.

Sir:-

Some interest was awakened among our manufacturers and merchants two years ago by an attempt on the part of Chinese to establish at Shanghai a manufactory of cotton goods. The enterprise was mismanaged and failed. Recently a vigorous effort has been begun at the instance of the Viceroy, Li

Hung

Hung Chang, to start the enterprise again and with more care. He, beyond most Chinese, appreciates the value of labor saving machines, and aspires to inaugurate commercial and manufacturing enterprises here.

In answer to an informal inquiry which I made of Mr. Consul General Henry about the new undertaking, which I had seen discussed in the Shanghai newspapers, he has sent me an interesting despatch on the subject. He quotes from a despatch which he has sent to the Department as his report on the trade of the

last

last year, and then adds
statements which I enclose 1/74.
as containing later
information than he has
sent to you.

I may say that the
general impression of men
here, who have had the best
opportunity for observation,
is that the chances are largely
against the success of the present
experiment.

The viceroy of Kansuh,
the north west province of
China, is engaged under
great difficulties in the
erection of a woolen mill
at Lanchow fu. He is
importing machinery from
Germany

Germany, and is employing Germans to set up the machinery and instruct the Chinese in the use of it. After transporting the machinery up the Yangtze River to Hankow and thence up the Han River by light draught boats to Han Chung fu in the province of Shensi, he must carry it overland for a long distance, estimated at 640 English miles. No doubt goods made in such a mill must cost more than those of foreign make.

But it is of interest to note that any of the Chinese officials think it worth while to attempt the manufacture

manufacture of woolens
and by Western methods. The
Chinese use so few woolen
goods that the total import
for 1879. was only one-fifth
in value that of cotton
fabrics. Very slowly but
very certainly the advantages
of the use of machinery are
becoming appreciated by a few
of the more enterprising and
intelligent Chinese. But there
is no danger to be apprehended
from this source in a long
time, if ever, of any
curtailment of demand for our
goods. There can be no doubt
that, if the Chinese should
come to adopt our views
concerning

5 concerning the use of machinery
in all industries, agricultural,
mining, and manufacturing,
our trade with them would
be vastly increased. We
may therefore not watch such
undertakings as these at
Shanghai and Kaisuk
with a narrow jealousy, but
rather rejoice to see such
evidences of a disposition on
the part of the Chinese to
abandon their old prejudices
against the use of machinery.

I have the honor to be,
Sir
Your obedient servant.
James R. Angell

Enclosure.

1. Rev. Henry to Hon. Angell
No. 38. November 27th, 1880.

Despatch No. 74.
Enclosure.

Mr. Denny to Mr. Angell,
No. 38. November 27th, 1880.

Sir:—

The project set on foot about two years ago to erect cotton mills at Shanghai for the manufacture of cotton goods on foreign looms under the supervision of skilled foreign operators has caused more or less discussion as to the probable effects upon the present demand for foreign cotton goods in the event the contemplated enterprise becomes an accomplished fact.

While every foreigner in the East almost, would delight in the success of this enterprise for the reason that it would lead to the adoption of other Western ideas so much needed in the development of China's natural wealth; yet there are some good reasons which present themselves to the mind of the practical observer why it will fail to meet the expectations of its promoters.

In

In my report on the trade for the year just closed, I took occasion to remark upon this subject substantially as follows:-

"The Cotton Mill at Shanghai referred "to in my report from Tientsin is no "nearer an established fact than it was "then. The scheme was promoted by a "Taotai-Seng-who obtained the "special permission from the Viceroy "Li-hung-chang, another Taotai-Lewi- "joined the undertaking and furnished "capital of Taels 20,000 to start with. "These promoters then tried to float a "public Company; but the management "failed to secure the confidence-sufficiently- "of the public; meanwhile, those who "had the matter in hand had already "acquired the title to a suitable piece of "ground on the Hwang pu river on the "so-called American Concession and the "building of a large establishment appeared "at the time to be pushed forward with "vigor. They also concluded a contract "with an English firm for machinery "amounting to Taels 250,000.

(ctd

" At present the matter is at a
" standstill. The machinery although
" ordered has not yet arrived on account
" of want of funds as it was stipulated
" that it should be paid for by installments.
" The building operations at George have been suspended,
" and the foundations which can now be
" seen above the ground are fast going to ruins.
" whether the establishment of such a mill
" in this country would ever be successful in
" their contemplated competition for the
" trade in the quality of cotton goods now
" supplied from foreign markets is very
" doubtful, for owing to the texture and
" shortness of fibre of the China cotton it
" is only suitable for very heavy and coarse
" goods, while its cost is greater than
" American cotton, even after it is put on
" the Liverpool market.
" For these and minor reasons, I am
" of the opinion that there is no occasion
" for the foreign manufacturing mind to
" become alarmed in the near future
" at the prospect of serious opposition from
" this quarter".

Since

Since making the above comments, it would seem from the notices published in the press of Shanghai - two of which are herewith enclosed - that the projectors are again moving in the matter, and not without some prospect of raising the amount of money necessary, as it appears that one half of the shares have already been subscribed, and it is for the purpose of adding some comments that I again refer to the subject at this time.

In the first place we will assume that the figures given by the managers as to cost of machinery and plant, as well as of working expenses to be correct, and assume also that their proposed "monopoly" of the weaving business will not lead to complications, the main question is what quality of goods can they manufacture out of Chinese cotton.

The prospectus states that "Chinese cotton has already been sent

to

"to England; woven there and then
"brought back to China, and it has
"proved to be of slightly better quality
"than that grown in other countries.

There is every reason to doubt this statement. China cotton is very short in staple and though it might be used for the web, it cannot be made into yarn strong enough to bear the strain put upon the warp in a power loom. This at least is the experience of foreigners who have gone thoroughly into the question.

A gentleman connected with a leading English House here took to England a few years ago, full estimates for establishing a weaving company in Shanghai and his English connections at first warmly supported the enterprise.

The scheme however was abandoned not, as may happen to the Chinese Company, for want of capital, but because it was found by experiment that the proper kind of yarn for grey shirtings and T-cloths could not be made out of Chinese

(cotton

cotton; that the cloth was coarse and heavy resembling the finer quality of that manufactured on native looms rather than anything else.

Perhaps the best evidence that the published scheme is a hazardous one is the fact that no Chinese in the foreign goods trade will subscribe a dollar towards it.

However should it reach successful operations, the most intelligent opinion is that the competition would be with native looms rather than to European or American manufacture.

I am, Sir, etc.

(signed) O. N. Denny.

"Shanghai Courier" Oct. 16, 1880

THE CHINESE COTTON MILL COMPANY.

The managers of the Chinese Cotton Mill Company have published a report in pamphlet form, calling the attention of merchants and wealthy gentlemen to the undertaking. The report begins with an enumeration of the advantages of the undertaking:—1st, the low price of cotton in China, which in an ordinary year ranges from 9 to 12 Tls. per picul; whereas in England and America, in the very best years, the price per picul is at least from 11 to 17 Tls.; 2ndly, the cheapness of labour here, where the earnings of ordinary labourers are about 200 to 300 cash a day; whilst workmen in other countries must have 75 cents to a dollar a day; 3rdly, the foreign manufactures have no certain market; and lastly, the foreign goods are subject to expenses of transport, insurance premiums, and other expenses which the native goods would be exempt from. "But of course" continues the report, "there are also drawbacks to be taken into consideration, namely, the heavy cost of the foreign machinery, the expenses of its transport hither, and the high pay of the foreign workmen hired to superintend and work the machinery. Nevertheless these disadvantages are merely temporary; the advantages on the other hand are not only lasting, but will go on increasing. Moreover, in examining the quality of goods manufactured abroad out of cotton sent from China, we think it compares favourably with that manufactured from foreign produce."

The managers go on to say that on the 4th moon of this year they received instructions from the Imperial Superintendent of Trade, the Viceroy Li, to take the undertaking into consideration; and that, after having made investigation and calculated every item of the expenditure required, they have come to the following conclusion:—The expenses required yearly to work with 400 pieces machinery, excluding the cost of the machinery but including the price of cotton, hire of foreign employés, salary of managers, clerks, &c., all taken at their highest, will be about Tls. 868,600 a year. The establishment will be capable of producing 240,000 pieces of piece goods and drills, which will bring in about 444,000 Tls., supposing the price of these goods to be at the lowest average; thus the profit realised yearly would be Tls. 75,000, in addition to the interest on the capital.

The Viceroy, it appears, has approved of the report, besides adding a rescript to the following effect, that no one hereafter shall be allowed to set up a separate establishment of the kind.

The manager also combats the doubts of those who say that they are robbing the living and business of the poor people, who, the managers, submit both men and women, will find better and more constant employment in the establishment, when once it is opened. Although this undertaking originated with the authorities, the managers promise to free it from all red tapeism and official restraint.

There are to be, it appears, 4,000 shares, at Tls. 100 per share. Besides the government subsidy, two thousand shares have already been taken up by those connected with the undertaking. The remaining 2,000 shares are still to be disposed of, and the managers hope that the influential mandarins and wealthy gentlemen in China will come forward and take them up. The shareholders will first pay down half of their share money, for which receipts will be issued. This money in the meantime will be placed where a good interest will be derived. When the undertaking is entirely established, then the shareholders will be called upon to pay up the rest of the share money and will then receive the share ticket. But should the whole affair fall through, which is not at all likely, the money deposited will be returned, together with interest. The report also gives a detailed account of the expenses to be incurred, and the regulations to be observed in the employment of foreign engineers and native mechanics. The pamphlet gives also the forms of receipts for shares and other matter.

October 26. 1880.

SPIRIT OF THE NATIVE PRESS.

(Translated specially for the "Shanghai Courier.")

The *Shen Pao* publishes a prospectus issued by the promoters of the Chinese Company for weaving cotton goods by machinery. The prospectus first calls attention to the fact that food and clothing are the two absolute necessaries of life, whence it comes that cotton cloth is of the greatest usefulness and importance. Hitherto, it continues, all weaving in China has been done with hand looms, while in European countries machinery is invariably employed, by which the labour is halved and the profits doubled. England, which took the lead originally in this business, has of late years employed as many as one hundred and thirty thousand looms of all kinds, America has one hundred and fifty thousand. India, which is following in their footsteps, has already more than ten thousand. The number of looms in existence is steadily and rapidly increasing, which plainly prooves the profitableness of their use. The total value of the cotton piece goods from all countries disposed of in China each year, amounts now-a-days to no less than thirty million taels. The drain on the wealth of the country that this must cause cannot but be a source of anxiety to all thoughtful people. China possesses three important advantages, which should enable her to compete with foreign countries in weaving by machinery. First, the cost of cotton in China with only a two thirds crop is from nine to twelve taels a picul; while in America and England, with a full crop, the cost is from eleven to seventeen taels. The cost of material therefore is in favour of China by thirty per cent. Secondly, the cost of labour in China is only one half of what it is in foreign countries, daily wages being only two or three hundred cash instead of seventy five cents or a dollar. Thirdly, a factory in China can make exactly what kinds of goods are in demand at the moment, instead of having to make several sorts and ship them off on the chance of their being wanted. There is also no expense for freight and marine insurance. The disadvantages under which the manufacture will labour in China are extra cost in laying down machinery and double pay for foreigners employed. But these will be outweighed by the advantages even at the commencement, and will cease altogether after a few years. Moreover Chinese cotton has already been sent to England, woven there and then brought back to China, and it has proved to be of slightly better quality than that grown in other countries. Also, the factories can be insured, and the amount of capital required, the expenses of working and the quantity of cloth produced can all be calculated; so that the business will be less hazardous and uncertain than any other. In the fourth month of this year, orders were received from the Imperial Commissioner and Superintendent of Trade for the Northern Ports, Li Hung-chang, to take the matter into consideration. Though all the original memoranda on the subject showed very plainly that a profit of thirty per cent could be expected, it was thought better not to accept these, and the most minute and careful calculations were made once more. The old estimates for the cost of laying down machinery were left as originally made. It was assumed that the cotton used would be superior medium, and the piece goods turned out would only be inferior medium. The pay of the foreign employés was set down on the most liberal scale, and the number of workmen and apprentices fixed as high as possible. Liberal allowance was made for duties, fixed interest on capital, cost of purchasing land and building houses, insurance, management and superintendence, a detailed statement of all of which will be found appended to the prospectus. It was thus calculated that with four hundred looms, which is the number fixed upon for the commencement, the annual expenditure will amount to 368,000 taels. These looms will turn out 240,000 pieces of English Grey shirtings and T cloths and American Drills, which should sell for 444,000 taels. This will leave a profit of 75,400 taels, that is to say, nearly twenty per cent, or with the addition of the fixed interest on capital about twenty eight per cent. The Superintendent of Trade has also granted a monopoly to the Company. Any person hereafter who wishes to enter into the weaving trade, must join the Company and not commence on his own account. If the business is carried on with proper care, so that the out turn increases, and the number of foreign employés can be reduced, and general expenses can be kept down, the number of looms may then be increased and a very large profit may be hoped for.

The objection may be made that the Company will rob the common people by the taking away the work of their wives. But the mischief was done long ago, when foreign cotton goods were first imported. As the Company will manufacture the same kinds of goods as foreigners, it will compete with them and not with the native workmen. Moreover by employing a large number of work-people of both sexes, it will be of great benefit to the small traders and artisans of the surrounding country. The Superintendent of Trade has also determined, that this Company, though official in its origin, is to be left altogether to the management of mercantile men. Its prosperity therefore will not be endangered by the outward show and pretence inseparable from official life. As in the China Merchants Company, the shares will be of one hundred taels each, and there will be four thousand of them. The capital will thus be 400,000 taels, application will be made to the Superintendent of Trade to provide a portion from the public funds. The promoters of the Company will take up half the shares. Gentlemen of rank and wealth are invited to subscribe for the remainder. Any number of shares can be issued to any one, from one upwards, till the whole number is taken up. If at a future time the number of looms is to be increased or more capital is required, public notice will be given. As soon as the original shares are taken up fifty per cent of their value must be paid. The money, for which a receipt will be given, will be put out at interest by the Company safe in banks which can be safely trusted, so as to be ready for purchasing land and paying deposits on the machinery. When the machinery is about to arrive, the remaining fifty per cent. of the capital must be paid up, upon which the shares will at once be issued and pass books for the payment of the fixed interest. To avoid all risk, the foreign employés will be engaged, the machinery ordered, and the land bought, only when all the shares have been taken up and the half value paid. If by any inconceivable accident the scheme falls through, the whole of the fifty per cent. advanced and interest upon it will be repaid to the depositor. Explanatory documents are appended, and the issuers of the prospectus hope that any indistinctness or incompleteness in their statements may be pointed out to them.

[The subject of the above translation has already been dealt with in our columns; but the above being more in detail, we give it for the benefit of our numerous mercantile readers.—Ed. *S. C.*]

Shanghai China.

Inclosure No. 1.

with dispatch No. 38.

To U.S. Legation

Peking

Extract from Journal

16 + 26. Oct. 1880

Acked as directed Feby 25. 1881 tm. Crisfield Ack. express satisfaction &c C.P.

grade

DEPARTMENT OF STATE FEB 18 1881 RECEIVED

No. 75. Three Enclosures.

Legation of the United States.

Peking, December 20th, 1880.

James B. Angell to the Secretary of State.

Subject.

Official intercourse.

PRINTED. FOREIGN RELATIONS 1881

Synopsis.

Refers to Mr. Seward's despatches Nos. 512. 590. and 692. and reports that a satisfactory arrangement has been reached, which with copies of correspondence is given herein.

No. 75. Three Enclosures.

Legation of the United States.

Peking, December 20th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:-

A reference to Mr. Seward's despatches numbers 512, 590, and 692., not to speak of earlier despatches on the same subject, will show that for a long time the representatives of foreign Powers have been engaged in discussion with the Tsung li Yamen upon the proper forms and terms

to

to be employed in official intercourse between the Consuls and Provincial Officers. The subject is one of exceptional importance in this Empire where so much stress is laid upon ceremonial and etiquette.

Sir Thomas Wade, the British Minister, was charged several months ago, by the Diplomatic Body here, with conducting in their behalf negotiations in this matter with the Foreign Office. Finally a result has been reached which is entirely satisfactory to the Ministers, and one of which

in

in the Conferences recently held I have expressed my approbation.

Copies of a communication from Prince Kung on the subject and his accompanying Memorandum are enclosed. The latter sets forth the agreement decided on with brevity and clearness. You will observe that it determines the procedure upon three points. 1/75.

First, a Consular Officer shall, without regard to any difference of rank between him and a Governor General or Governor of a Province, be received

received by the latter with the etiquette becoming for a host to exercise towards a guest.

Second, in official correspondence between Consular Officers and high Provincial Authorities, in order to avoid the appearance of subordination of the former, the following plan is to be adopted. In ordinary matters the Consular Officers will address the Intendant who will memorialize the Viceroy or Governor, and the latter will instruct the Intendant to reply to the Consular Officers. In important matters the latter can exchange "official communications

"communications" with the
High Authorities employing
the term which does not
signify inferiority or a
petition.

Third. The Provincial
Authorities will, in addressing
the Consul, use the
respectful term equivalent
to "The Honorable Consul",
and will abstain from that
use of the vermillion pencil
which they resort to in
instructing their inferior
officers.

In this country where
precurrently forms do things,
and where disagreements
between foreign representatives
and

and the Chinese officials have often seriously interfered with the transaction of important business, it is a matter of consequence to have reached so satisfactory a termination of the prolonged discussion on official intercourse.

2/75. I enclose a copy of my reply to Prince Kung's communication, and also a

3/75. copy of my circular to our Consuls, instructing them to comply with the terms of the Memorandum in conducting their official intercourse with the Provincial Authorities.

I

I have the honor to be,
Sir,
Your obedient servant.
James B. Angell.

Enclosures.

1. Prince Kung to Mr. Angell.
101/1880. December 16th, 1880.
2. Mr. Angell in response
102/1880. December 18th, 1880.
3. Circular to United States Consuls.
December 17th, 1880.

Despatch No. 75.
Enclosure 1.

101/1880.

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication in reply.

Upon the 21st of November, 1879. I had the honor to receive a despatch from H.E.* in which it was remarked that Their Excellencies the Members of the Diplomatic Body had been engaged in conference upon all international matters to which attention seemed to be demanded, whether for the removal of what may be characterized as a grievance, or for the introduction of changes that will modify what is in appearance either unreasonable or inexpedient, and that they proposed to lay before me the conclusions at which they had arrived, etc. etc.

Upon the 26th of the same month a reply was sent by this office.

Since then I have been in repeated consultations with H.E. Sir Thomas Wade, upon one of the topics, and have deliberated upon a memorandum submitted, and (upon

(*. Should be Mr. Seward.)

upon the 20th ultimo I addressed to him a note in the premises. Upon the 24th ultimo I received a reply from him stating that the proposals in regard to the forms of intercourse between Chinese and foreign officials had been submitted by him in person to his colleagues and accepted by them, and requesting me to communicate officially the conclusions arrived at to the several members of the Diplomatic Body, etc. etc.

Having sent instructions to the Viceroys and Governors of the various provinces for their information and guidance, I have now the honor to enclose a copy of the conclusions reached for Y. E's information.

H. E. James B. Angell,
etc — etc — etc — etc

Peking, December 10th, 1880.

Enclosure.
Memorandum upon official intercourse,

Enclosure.

Memorandum on Official Intercourse.

A minute was received upon this subject some time since to which this Yamên has already replied in detail. But Y. E. appears not to have been satisfied, and in conversation has repeatedly urged me to agree to a satisfactory conclusion of the matter. This Yamên therefore again submits a series of propositions given hereafter upon the several points at issue.

I. Your Excellency maintains that, whether at a port or in the interior, a Consular officer having occasion to speak to a Governor General or Governor of a province on business, should be assured access to the high authority, and that neither when admitted into his Yamen, nor into his presence, should he be treated as the subordinate of the high authority, no matter what the inferiority of his official

official rank, but according to the etiquette between guest and host.

I beg to remark upon this that in the Provinces the high officials from the Viceroys and Governors down to the Intendants are constantly meeting Consular officers, and although there may be differences of rank, there are none who fail to receive such officers according to the etiquette of guests. Hereafter whenever business requires such meetings they certainly shall meet Consular officers and treat them in all respects according to the etiquette observed between guest and host.

II. Y. T. holds that whenever Consular officers have occasion to hold official correspondence with the high Provincial Authorities, such correspondence should not take the form of a memorial from the lower to the higher, or of an instruction from a higher to a lower, but that without regard to actual superiority or inferiority of relative rank, the characters (照會) "to correspond officially" should be used, the idea being to avoid the appearance of

(subordination

subordination.

Upon this article I remark that the treaties are not uniform upon this point. It is stated in some of them that Consuls and Acting Consuls are of equal rank with Intendants, and Vice Consuls, acting Vice Consuls, and Interpreters of equal rank with Prefects, and that these officials shall correspond upon a basis of equality, as befits their equality of rank.

If, while the organization of this Government offers no serious objection, still it be inconvenient for Viceroys and Governors to correspond with Consular officers with the use of the characters "nen yi" then certainly some feasible plan must be sought out. I suggest the following:— In ordinary matters of business, let Consular officers as heretofore address the Intendants who will in turn memorialize the Viceroy or Governor. That high officer will, as heretofore, instruct the Intendant in response, who will address the proper Consular officer.

officer. But in important official matters of business, the high provincial authorities and the Consular officers, without regard to differences of rank can on both sides use the words (照會) - "an official communication".

III. Your Excellency suggests that whenever the Provincial Authorities in correspondence speak to a Consul they should prefix the character "Kuei" (貴) to his title, and that when mentioning a Consul they should use his surname and title, as, "Mr. Consul so and so". Further that the Provincial Authorities should in despatches to Consuls cease to use the vermillion pencil to bracket or point certain characters as they do use it in instructing their subordinate officials.

These two suggestions contain nothing in any way inconsistent with the dignity of this Government and are assented to.

The foregoing is submitted to Y. E. and the Members of the Diplomatic

(Body

Body as a practicable solution of this question, having in view the good relations between China and foreign Powers.

Despatch No. 75.
Enclosure 2.

Mr. Angell
102/1880.

To Prince Kung
December 18th, 1880.

To His Imperial Highness Prince Kung.

I have the honor to acknowledge the receipt of Your Imperial Highness's communication of December 10th instant, and the accompanying Memorandum on Official Intercourse.

I beg to express my appreciation of the just spirit in which Your Highness has considered the subject of official intercourse, which is not free from difficulties.

I desire to express my satisfaction with the forms of procedure which are given in your Memorandum to govern Provincial officers and Consular officers in their official intercourse with each other.

I shall at once instruct the Consuls of the United States to

(comply

comply with the terms of the Memorandum.

I gladly embrace this opportunity to assure Your Imperial Highness of my distinguished consideration.

I am, &c.,

(signed) James B. Angell.

Despatch No. 75.
Inclosure 3.

Mr. Angell to U. S. Consuls in China.

Peking, Decemb. 19th, 1880.

Sir:—

I am happy to inform you that the prolonged negotiations, which have been going on so long between the Foreign Ministers and the Tsung-li-Yamen on the subject of official intercourse have at last yielded an excellent result. A plan has been agreed upon, which it is confidently believed, will go far to remove the annoyances and embarrassments, to which Consular officers have been subjected in the transaction of business with the Provincial Authorities. I have signified to Prince Kung my approbation of the plan.

The substance of its provisions is as follows:—

1. Whenever Consular officers have occasion to hold personal interviews (with

with a Governor or a Governor General, they shall not be treated as subordinates, but with the etiquette which a host shows to guests.

2. If Consular officers have occasion to correspond about ordinary matters of business, they shall, as heretofore, address the Intendants, who will in turn memorialize the Viceroy or Governor. That High Officer, will, as heretofore, instruct the Intendant in response, who will address the proper Consular officer, But in important official matters of business, the High Provincial Authorities and the Consular officers, without regard to differences of rank, can on both sides use the words "an official communication" (照會).

3. The Provincial Authorities shall in correspondence with a Consul prefix the character "Kuei" (貴) to his title, and shall cease to use the vermillion pencil to bracket or point certain characters, as they do use it in instructing subordinate officials.

(Prince

Prince Kung announces that instructions in accordance with this agreement have been sent to the Viceroys and Governors of the various provinces for their information and guidance.

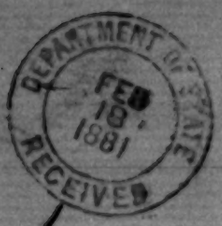
It is therefore my duty to instruct you to comply with the above regulations in your official interviews and correspondence with the Provincial officers. You have the right to expect that they too will comply with them. Any failure on their part to carry out in good faith the arrangement now entered into by the Imperial Government is a proper subject for you to report promptly to this Legation.

I am, etc.

(signed) James B. Angell,

Ack + file

made



No. 76. One Enclosure.

Legation of the United States.
Peking, December 21st, 1880.

James B. Angell to
the Secretary of State.

Subject.

Commission account for furniture.

Synopsis.

Refers to despatch number 72.
and encloses a duplicate of
statement.

No. 76. One Enclosure.

Legation of the United States.

Peking, December 21st, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Recurring to my despatch number 72., I now have the honor to transmit a duplicate 1/76. statement of the account for furniture purchased for the use of the Commission to China.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell

Enclosure.

Enclosure.

1. Duplicate statement of the account of furniture purchased for the Commission.

File



No. 77.

Legation of the United States.

Peking, December 23rd, 1880.

James B. Angell to
the Secretary of State.

Subject.

Receipt of Instructions.

Synopsis.

Department Instructions numbers 42. to 49. inclusive have been received.

No. 77.

Legation of the United States.

Peking, December 23rd, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir,

I have the honor to acknowledge the receipt of your instructions numbered respectively 42. 43. 44. 45. 46. 47. 48. and 49.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell

China

U.S. Commission

December 27, 1880

357

Blank No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.

This Company **TRANSMITS** and **DELIVERS** messages only on conditions, limiting its liability, which have been assented to by the sender of the following message.

Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of **Unrepeated Messages.**

This message is an **UNREPEATED MESSAGE** and is delivered by request of the sender, under the conditions named above.

A. R. BREWER, Sec'y. 10 ch NORVIN GREEN, President.

READ THE NOTICE AT THE TOP.

Dated San Francisco Dec 27 188

Received at Cor. 15th and "F" Streets, Washington, D. C. 927

To Wm M Evarts Secy of State Washn DC

Just arrived after unusually long and rough Voyage. Leave for Washington on Wednesday.

Trescot

Palace Hotel

15 paid

best rex

Copy of full opinion
called for Mr. Angell
Feby 3, 1881.
Mr. Cridler

Ack Ford

made

No. 11. 78. One Enclosure.

Legation of the United States.

Peking, December 2nd, 1880.

DEPARTMENT OF STATE
FEB 10 1881
RECEIVED

James B. Angell to
the Secretary of States.

Subject.

Burnett abduction case.

Synopsis.

Refers to Mr. Seward's despatch number 699; states that a second trial was held, and that, on appeal, Hon. Angell has decided that Burnett was not proved guilty.

No. 78. One Enclosure.

Legation of the United States.

Peking, December 27th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:

Mr. Seward, in his despatch number 699., informed you that he was obliged to decide that the trial of J. H. Burnett, who was charged with abduction, by Mr. Consul Lord on the United States steamer "Monocacy" was irregular and void.

After that trial Burnett disappeared and could

could not be found for some time. At last however he voluntarily presented himself for a new trial. This took place at Kingsto, beginning & September 27th last and & continuing until October 8th. & Mr. Consul Lord was & assisted by three Associates. The result was that the Consul found Burnett guilty of the charge preferred, and the three Associates all dissented.

Consequently, in & accordance with the statutory provision, the case came up to me. After a careful & examination of the Record, I decided

decided that the evidence did not sustain Gov. Consul Lord's opinion. I therefore set aside his judgment and directed him to release the accused from bail, and to tax the costs to the United States.

As Prince Kung had made inquiries about the investigation, I announced my decision to him in a communication, a copy of which I enclose. There has been considerable popular interest in the case near Burnetts residence, and it is not improbable that the Prince and the Provincial

1/78.

Provincial Authorities may be disappointed at the result of my examination.

I have not thought it necessary, except on your request, to send to the Department a copy of my full opinion in the case.

I have the honor to be,

Sir,

Your obedient servant.

James R. Stijll

Enclosure.

1. Inv. Angell to Prince Kung 105/1880. December 24th, 1880.

Despatch No. 78.
Enclosure.

Mr. Angell to Prince King.

105/1880. December 24th, 1880.

When I received Your communications of October 25th and 29th concerning the case of J. H. Burnett charged with the abduction of a Buddhist nun, I did not at once reply because I was awaiting the report of his trial which I knew had taken place at Kiungpo.

In due time the report arrived. It shows that a trial of Burnett had been had in accordance with our laws before the United States Consul, Mr. Lord and three Associates, American citizens. After a patient hearing of all the testimony and of the arguments of Counsel, the Consul was of opinion that

Burnett

Burnett was proved guilty of the crime charged, and the three Associates were of the opinion that he was not proved guilty.

Our laws provide that when there is such a difference of opinion between the Consul and the Associates, the case shall be carried up to the United States Ministers. Accordingly the whole record of the trial, including the testimony, was sent up to me.

I have now made a most careful examination of the whole record.. According to our laws, in order to convict a man of a criminal offense, it is necessary to prove by the evidence that there is no reasonable doubt of his guilt. If there is such a doubt the

accused

accused has the benefit of it, and is acquitted. Acting in conformity to this principle, I find myself compelled to decide that Burnett is not proved guilty of abduction. I have instructed Mr. Counsel Lord to announce this to Mr. Burnett.

It was made clear by the trial that Burnett ~~had~~ asked the boatman Ah Yi to solicit a Chinese woman to come and cohabit with him. But it was not proved that he knew that Ahyi was going to use violence in procuring the woman, or that he forcibly detained her after she was brought. His act, though not punishable by our law, has justly brought shame upon him. But he has suffered severely by losing his official position

and

and his pension, and by
being subjected to heavy "
expenses in defending "
himself in the two trials.

I am, &c

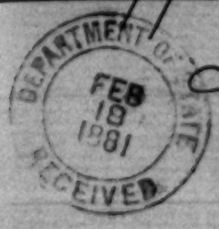
(Signed) James B. Angell.

File

Ack

Mr. Adee

No. 79.



Legation of the United States.
Peking, December 27th, 1880.

James B. Angell
to
the Secretary of State.

Subject.
Version of telegram of August 3rd,

Synopsis.
In response to Department instruction number 48., states the version of the telegram as sent from Tientsin.

No. 79.

Legation of the United States.

Peking, December 27th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Your instruction number 48. of October 12th last informs me that a cable despatch — which I sent from Tientsin on the 5th of August, reached you in the following form:—

"Legation unfurnished.

"Can you authorize —

purchase furniture —

"$3.000. Answer."

You then quote the

form

form of the telegram, which I reported to you in my number 5 of August 18th as follows:—

"Pethick declines.
"Legation unfurnished, can
"you authorize purchase
"of furniture $3.000. Angell."

My copy of the telegram is like the last of the two forms above quoted. My primary object in telegraphing was to inform you of Mr. Pethick's declination. After deciding upon telegraphing that important fact, it occurred to me to add the request about the furniture.

I

I will write to
Shanghai at once to inquire
the cause of the discrepancy.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell

Ack'd, approved March 11, 1881 Mr Cridler

Ack'd & approved C.P. Wade

No. 80. Four Enclosures.



Legation of the United States.

Peking, December 24th, 1880.

James B. Angell to the Secretary of State.

Subject.

Ward and Keefer Claims.

Synopsis.

Forwards copies of correspondence upon the claims with the Foreign Office, and minute of an interview between certain of the members of the Foreign Office and Mr. Holcombe. Result is not satisfactory.

No. 80. Four Enclosures.

Legation of the United States.

Peking, December 28th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:

In conformity with your instruction number 5. to me, and with your instruction number 341. to my predecessor, and with verbal instructions given by you to me at Washington, I prepared myself soon after my arrival to present to the Chinese Government the so called "Ward Claims" and "Keorjeor / Mr. Charles E. Hills / Claims."

But—

But, after conference with my colleagues of the Commission upon the subject, it seemed expedient to postpone my action until there should be no danger of its embarrassing the treaty negotiations.

After the completion of the Treaties, I embraced the first opportunity to confer with the Tsungli Yamên upon the subject. Our interview was held on December 1st. Most of the Foreign Board were present. His Excellency Shên was the principal speaker on their side.

I expressed my pleasure that

that the first important business I had had to transact with them had been completed in so satisfactory a manner. I assured them that, in my opinion, the negotiation of the Treaties had disposed of the most serious questions which had threatened to embarass our relations. But, I told them, there remained still one matter which had long troubled the two Governments, and which ought now, without further delay, to be disposed of. I had had instructions to present it to them earlier, but I deemed it more courteous to wait until now. This matter

was

was the "Keorfeor" and the "Ward" claims.

Shên said they could discuss it with me, and he stated his recollection of the terms in which they had offered to settle, and added that we could doubtless settle on those terms now. These were the terms offered to Mr. Secretary Holcombe by the Viceroy of Nanking.

I said in reply that I did not deem it necessary to go again into argument of details, since a printed volume had been filled with them already. I stated what our Government holds to be due, principal

principal and interest, and that we expect the Chinese Government to adjust the claims on those terms.

Shên suggested that, as they had not recently given attention to the subject, I send in a written communication for consideration.

I assented, but assured him strongly that I did not propose to begin over again the discussion of details, but to state clearly what terms alone would satisfy my Government.

I endeavored through the interview to impress the Foreign Office with the idea that

that we had done discussing the items of these claims, but that we feel ourselves justified in pressing for the payment of the principal and interest of the claims.

On the next day, December 2nd 4, I addressed a communication

1/80. to Prince Kung, a copy of which is enclosed.

After waiting twenty days without receiving an answer, I requested Lieut. Holcombe to go to the Yamen and refer to the subject. No sooner had he sent in his request for an interview than the reply to my communication

2/80. came. A copy is enclosed.

Your

You will see that it was entirely unsatisfactory. It was evidently intended to involve me in such an interminable discussion as had been going on for years. I thought it best [omit] to visit the Yamen to touch briefly on a few of the salient points in the history, and to convey clearly to the minds of the Ministers the idea that I did not propose to spend time in reiterating the old arguments, but that my purpose was to state clearly that the United States deem these claims just and press for settlement of them. I instructed

instructed him to speak in
this sense. He presented these
thoughts forcibly, as appears
3/80. from his report of the interview.
I have now sent my
4/80. reply to Prince Kung. It will
be observed that I state decline
to begin again and go through
the discussion of the long
negotiations of past years.
It would doubtless suit the
Foreign Office much better
to draw me into such a
discussion than to answer
squarely the question whether
they are prepared to settle the
claims. They would not be
unwilling to discuss seventeen
years more. But it has seemed
to

to me clear that nothing is to be gained by prolonging this war of words. If the Chinese Government is to pay these claims at all, it will be because it sees that we have done talking about them and mean to press them sharply and firmly until they are settled.

I trust that my course may meet with the approval of the Department.

I have the honor to be,

Sir,

Your obedient servant

James B. Angell.

Enclosures.

Enclosures.

1. Sir. Angell to Prince Kung
97/1880. December 2nd, 1880.
2. Prince Kung to Sir. Angell
103/1880. December 22nd, 1880.
3. Precis of Sir. Holcombe's interview.
December 23rd, 1880.
4. Sir. Angell to Prince Kung.
106/1880. December 28th, 1880.

Despatch No. 80.
Enclosure 1.

97/1880.

Mr. Angell to Prince Kung.

December 3rd, 1880.

To His Imperial Highness Prince Kung.

The happy completion of the Treaties by the Commissioners of China and the United States seems to promise the settlement of the questions most embarrassing to the relations of the two countries.

There remains however one matter, long the subject of wearisome discussions between the two Governments, which it is very desirable to dispose of now. I refer to the claims against the Chinese Government, known as the Keorjee and the Ward claims.

In ordinary circumstances it would have been my duty under my instructions to present them soon after my arrival. But it seemed to me more courteous to delay the consideration of such a subject until after the negotiations upon the Treaties. I must

(over)

now, however, take the liberty of calling Your Imperial Highness's attention to it.

These claims have been so fully discussed on both sides, the papers filling a printed volume, that I have no occasion to enter into details. The claims are as follows:—

The Keorjeor claim.

Charter of vessel 14 months at 5000 Taels a month — Taels 42.000.
Indemnity for loss — " 12.000.
Taels 54.000.

Add — Interest @ 10% on Ts. 54.000 from August 1st 1868. date of destruction of vessel to date of settlement ——

The Ward claims

Taels 10.908.86 and $ 5.694.37.
Add — Interest @ 10% from March 1, 1864. date of award by arbitrators to date of settlement. ——

These claims the United States believe to be just and valid claims against the Government of His Imperial Majesty

Majesty. They are for articles furnished to the agents of that Government. His Excellency the Viceroy of Nanking, Shen, in 1877, after examination admitted this. Your Imperial Highness and the Tsung li Yamen by offering to pay for them have admitted this. Objection has been made to some part of our claim for interest. But it is universally recognized by western nations that from the date, when a debt is due, the creditor is entitled to interest on the debt so long as it is not paid. This recognition rests on the obvious and simple principle that if the creditor had had his money when it was due, he could have made it earn him a sum at least equal to the interest.

The United States Government therefore hold that the claims as presented, asking both principal and interest, are just. I should mislead Your Imperial Highness if I should in any way leave on your mind the impression that anything less than the sums above named

will

will be deemed satisfactory to my Government. It is my duty to say that trusting to the justice and equity of His Imperial Majesty's Government the Government of the United States confidently hopes that the settlement of these claims will not be longer delayed.

With assurances of my distinguished consideration.

I have, etc.

(signed) James B. Angell.

Despatch No. 80.
Enclosure 2.

103/1880.

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication.

Upon the 3rd instant I had the honor to receive a communication from Y. E. in the matter of the Ward and Keorjeor claims in which you requested that these claims should be taken up and disposed of. Y. E. stated that these claims have been so fully discussed on both sides, the papers filling a printed volume that there is no occasion to enter into their details; that the amount of the claims is as follows:—

The Keorjeor claim.

Charter of vessel 14 months at 3000 taels a month ——— Taels 42,000.
Indemnity for loss " 12.000.
Taels 54.000.

Add, interest @ 10 % on Taels 54.000. from August 1st, 1863. date of destruction of vessel to date of payment.

The Ward claims.

(Taëls

Taels 10.903,86

and Mexican $ 5.694,37

add interest @ 10% from March 1st, 1864. date of award by arbitrators: to date of payment.

Your Excellency further states that Shen, the Southern Superintendent of Trade, has acknowledged the validity of the claims, and that this office has done the same; that recent discussions have been mainly upon the question of the payment of interest; and that Y. E. would mislead me should you in any way leave upon my mind the impression that anything less than the sums above named will be deemed satisfactory by your Government. etc. etc.

In response I have the honor to state that these claims became the subject of correspondence between Mr. Burlingame and Dr. Williams and myself in 1864. upon the complaint of General Ward. In 1870. upon the complaint of Mr. John Twombly I again had correspondence with Mr. Low in the

(business

business. This Office because of the lack of satisfactory evidence was unable to settle the claims, and the successive Ministers did not press their arguments.

In the Ward claims, Mr. Seward, then Consul General, had much discussion with Intendant Woo, about an arbitration as to what items should, and should not be paid.

In the Kenjeor case, Mr. Seward, while Consul General at Shanghai, held a joint trial with the Intendants Shen and Feng. These Intendants, because of the difficulty of finding any proof of the claim requested that it be dropped, but to this Mr. Seward would not assent. In 1876, Mr. Seward having become Minister, had repeated discussions with this Office in these claims, and urged the claim for interest. This Office holding that there was no proof of the justice of a claim for the principal, could not see how interest could be added. Thereupon ensued a discussion both

(verbal

verbal and by correspondence in which the papers aggregated a foot in thickness. This office held constantly that these claims were without clear proof of validity, contained many suspicious points, and that from the length of time since they originated had no status whatever.

At last, because Mr. Seward constantly pressed these claims, I had no recourse but to address a note to the Southern Superintendent of Trade, Shen, as being near to the locality concerned, requesting him to take the circumstances into consideration, and, outside the merits of the case, to devise a means of settlement. Mr. Seward instructed the Secretary of Legation Mr. Holcombe to proceed to Nanking to consider the claims with H. E. Shen. The latter decided that Intendant Woo should pay in the Ward Claims Taels 10.903,86 and Merician $ 5.694.37 without interest. and that in the Keorjeor Case the Intendant Yang should pay the following sums for

for the charter and cost of the steamer:—
Charter 500 taels per month for 13 months =
Taels 6.500,
without interest, but that he should
pay interest on the price of the steamer
from July 16th, 1863. to July 11th, 1877. in all
14 years: the price to be Taels 8.500 add
14 years interest @ 10% making a total
of Taels 20.400. He also decided that
Benson should be forced to refund
Taels 34.030. 72
and Mexican dollars 63.009. 60 and
that, if he was unable to pay the amount,
he should be dealt with according to
the laws of the United States; and that
the claim of 270.000 taels against Ward
might be dropped. etc.

These propositions were not put
forward as an acknowledgment of the
justice of the claims but solely because
Mr. Seward had spent much time and
trouble upon these matters of twenty
years standing, and they were suggested
as a means of settlement which would
afford him an opportunity to be rid of
(the

the business. But because Mr. Seward persisted in his demand for interest the matter remained unfinished.

Your Excellency having now brought forward these matters again, if you are disposed to close them upon the basis proposed by H. E. Shen, this office will certainly raise no word of objection. But if misapprehending that basis as a confession of indebtedness, Y. E. is disposed to add a still greater amount of interest, this office dares not listen to any such proposition.

Your Excellency is possessed of a just and amicable disposition, and hence is highly esteemed by both Chinese and foreigners. At the commencement of your administration here this office will not fail in rendering all possible aid where aid may be necessary. Thus in the most important work of treaty modification, the labor was accomplished in less than sixty days.

In

In these small matters of money, they could be settled with equal — directness, were it not that there is a right and a wrong, a false and a true in them, and hence they can be dealt with only in the way of the most careful scrutiny.

Mr. Holcombe, the Secretary of Legation, has had to do with these claims from the beginning and is thoroughly familiar with them. All the records are in your Legation and can be consulted, I trust H. E. will carefully consider these matters.

H. E. James B. Angell,
etc — etc — etc — etc.

Peking, December 22nd, 1880.

Despatch No. 80.
Enclosure 3.

Ward and Keojeon Claims.

Minute of conversation between T. F. Shên, Mins, and Hsia, and Mr. Holcombe at the Foreign Office, December 23rd/4, 1880.

Mr. Holcombe opened the conversation by saying that he had asked for the interview in order to inquire whether an answer might be expected at an early moment to a despatch addressed by Mr. Angell to the Foreign Office some 20 days past (Dec. 2nd/4) upon the Ward & Keojeon Claims. After his request for an interview was sent, an answer to the despatch named had been received, but in view of the nature of its contents Mr. Angell had still thought it

best

best for him to speak with the Ministers upon the subject. He then went on to say that in his despatch to the Yamen the Minister had abstained from any discussion of the details of the claims, and that in any further despatches which he might have occasion to write he should hold to this course. The details had already been discussed until they were thoroughly understood on both sides. The attitude of the Government of the United States in regard to the claims was thoroughly well understood by the Ministers, and in a discussion running through 17 years the reasons for that attitude had been patiently explained and with perfect clearness over and over again. In the opinion of the Minister, and of his Government,

the

the discussion of details had already reached the limit of profitable argument and that the Government had in all fairness a right to expect the closing of the business by the payment of these just and long outstanding claims.

Mr. Holcombe then touched upon several of the points raised in the Yamen's reply to Mr. Angell and said that the Yamen had proposed a settlement upon the basis mentioned by the Viceroy at Nanking. Mr. Holcombe said that the Viceroys propositions were rejected by himself the moment that they were advanced, and that it was idle to bring them forward again. If the Government of the United States had had any reasonable doubt of the

validity

validity of any portion of the claims, no demand for the payment of such portion would have been made. But having satisfied itself of the justice of the claims as presented, it was not reasonable to suppose that the payment of a small fraction of the amount demanded would be accepted as satisfactory.

As regards the claims put forward by the Chinese Government against Ward and Benson, the Yamen were in possession of the decision of the arbitrators in the Ward claims, and was well aware that the arbitrators decided that there was no foundation for the claims put forward against either Ward or Benson. And this decision settled finally the status of those claims.

H. E.

M. E. Chen remarked that there was no evidence of the validity of the claims, as the Yamen had always held, and that if the Legation would produce any such evidence the claims would be paid at once.

Mr. Holcombe replied that he was well aware that the Yamen had always held to this position, and that they had refused to recognize any other than documentary proof of the validity of the claims. But on this point it was to be said, first, that the original English text of the award made by the Arbitrators in the Ward claims had been submitted to the Yamen, and been quietly ignored because it was not in Chinese, and that a Chinese translation had met with the same fate.

Second

Record that in all Western nations, while documentary evidence was preferred, yet, in the case of the loss of such evidence, the testimony of reputable unbiassed persons as to the nature of such documents was always received as a sufficient substitute for the production of the documents themselves. This was applicable to the "Keoyeo" claim. The charter party was lost. But at the trial held before Mr Seward and the Taotai Shen at Shanghai in 1874. men came forward of the highest character, men who had not the faintest interest in the claim, and swore positively that they had seen and read the charter party, and stated in detail its contents. For the defendant two or three

Chinamen

Chinamen came forward and swore that they had never seen the charter party and did not know that there was such a document. Whereupon the Taotai gravely held that their testimony outweighed the testimony of those who asserted squarely that they had seen the document and who stated distinctly what its terms were. It was impossible to read the record of that trial without entertaining a suspicion at least that the Intendant had formed his decision in the case before the beginning of the trial.

H. E. Shen said that it was a small matter for a small sum of money, and could be easily settled, that they supposed that Mr. Angell was anxious to reach a settlement,

but

but that, if he wished to discuss the question, the Yamen had much to say on their side.

Mr. Holcombe replied that it was a small matter, but one in which the facts were plain and that it was puzzling to the Legation to understand why the Government of China had resisted a settlement for so many years. Mr. Angell would certainly decline to discuss the details of the claims, and, while it was true that he was anxious to close the business, he would close it only upon the payment of the sums, principal and interest, justly demanded of the Government of China. Three and a half years of additional interest had already accrued because of the failure of the Nanking Viceroy to deal with the claims and

a

a just manner. Further delay meant not only a further increase of the sums due as interest but the continuance of a grave cause of friction between the two Governments. It was, hence much to be desired that China would satisfy the just demands of the United States at once, and so put an end to this long standing and disagreeable business.

The interview closed with the understanding that Mr. Angell would address the Yamen again at an early day.

Chester Holcombe

Legation of the United States.
Peking, December 24th, 1880.

Despatch No. 80.
Enclosure 4.

Mr. Angell to Prince Kung.
106/1880. December 28th, 1880.

To His Imperial Highness Prince Kung.

I have had the honor to receive your communication of the 22nd instant upon the Keenjeer and the Ward claims. You give a brief history of the prolonged negotiations on those claims, renew the offer to settle on the terms proposed by His Excellency, Shen, Viceroy of Nanking, and remind me that the whole subject can be studied in the archives of this Legation.

It has been my duty to make a careful study of the claims in our records, and that study compels me to agree with the position so long and patiently held by my Government that these claims are just and valid and ought to have been paid years ago. They are claims for payment for articles furnished to this Government for its assistance in suppressing rebellion and for interest

(on

on the debts when they became due. The grounds on which the United States rests its belief in the justice of these claims have been so often and so fully set forth by my predecessors that it would be superfluous for me now to go into details.

I have to thank Your Imperial Highness for the kind terms in which you are pleased to refer to me. I desire to express my hearty appreciation of the fairness and courtesy with which Your Imperial Highness and Their Excellencies, the Ministers of the Foreign Office, have met me and my Colleagues of the Commission Plenipotentiary in the important business so speedily and happily completed. Pardon me for saying that just because of this spirit of fairness so strongly manifested in our negotiations I have cherished the hope that the validity of these claims would now be recognized and the only remaining cause of friction between the two Governments would be removed.

If

If I do not reopen the discussion of the whole subject from the beginning, it is not because I have any doubt that a careful examination of all the facts fully substantiates the claims, but it is because the discussion has been so full that further argumentation seems to me unnecessary.

My duty is respectfully to ask whether the Government of His Imperial Majesty is prepared to pay the Keorjeor and the Ward claims as they are presented in my last communication, or whether it declines to pay them.

With assurances of the highest consideration.

I am, &c.,

(signed) James B. Angell.

Mr. Hall's No. 81 of Aug. 23. 1880. Ack

Mr. Adee

No. 81.

Legation of the United States.

Peking, December 29th, 1880.

Cor. Rel
1880

DEPARTMENT OF STATE
MAR 9 1881
RECEIVED

es B. Angell to

Secretary of State.

PRINTED.
FOREIGN RELATIONS
1881

Subject.

Patent rights in China.

Synopsis.

Refers to Department instruction number 45. No laws or usages upon this subject in China. No cause for fearing injury to American inventors in the near future.

No. 81.

Legation of the United States.

Pekin, December 29th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:-

I have read with interest the suggestion of Mr. Consul Stahel, enclosed in your instruction, number 45. of October 4th last, that an attempt be made to secure by treaties with Japan and China protection in those countries by patent rights for American inventors.

Though the Commission

Plenipotentiary

Plenipotentiary, for whose
especial benefit the valuable
enclosure is sent, has
completed its work, I have
given the subject consideration.
At present it is no
doubt more easy and more
important to secure the
needed protection in Japan
than in China. After
diligent inquiry I do not
learn that the Chinese have
any law or usage resembling
our patent laws. It would
therefore probably require
considerable time and labor
to secure a stipulation to
protect foreign inventors.
But, moreover, very few of
the

the Chinese, very few even of the officials, look with favor upon the introduction of labor saving machines or foreign inventions of any kind. The foreigners resident at the ports may bring them in to a limited extent. But I fear that, for some time to come, the Chinese will not make sufficient use of our inventions to work much harm to our citizens. I wish the danger were greater. Still it is well to hold the subject under consideration in case of future revisions of treaties.

I have the honor to be,
Sir, Your obedient servant.

James B. Angell

DEPARTMENT OF STATE
MAR 8 1881
RECEIVED

One Enclosure.

Legation of the United States.
Peking, December 31st, 1880.

Chester Holcombe to
the Secretary of State.

Subject.

Salary account.

Synopsis.

Forwards statement of this account for the quarter ending this day.

One Enclosure.

Legation of the United States.

Peking, December 31st, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:

I have the honor to transmit to you herewith a statement of my account for 1/4 salary for the quarter ending this day. A duplicate will be sent by the next mail.

I have the honor to be,

Sir,

Your obedient servant

Chester Holcombe

Enclosure.

Enclosure.

1. Salary account for quarter ending December 31st, 1880.

No. 82. One Enclosure.

Legation of the United States.

Peking, December 31st, 1880.

DEPARTMENT OF STATE
MAR 8 1881
RECEIVED

James B. Angell to the Secretary of State.

Subject.

Legation rent account.

Synopsis.

Forwards a statement of this account for the quarter ending this day.

No. 82. One Enclosure.

Legation of the United States

Peking, December 31st, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:

I have the honor to transmit herewith a statement 1/82.
of the rent account of this Legation for the quarter ending this day. A duplicate will follow by the next mail.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell.

Enclosure.

Enclosure.

1. Ligation rent account for quarter ending December 31st, 1880.

No. 83. One Enclosure.

Legation of the United States.

Peking, December 31st, 1880.

DEPARTMENT OF STATE
MAR 8 1881
RECEIVED

James B. Angell to the Secretary of State.

Subject.

Salary account.

Synopsis.

Forwards statement of salary account for quarter ending December 31st, 1880.

No. 83. One Enclosure.

Legation of the United States.

Peking, December 31st, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:-

I have the honor to transmit to you herewith a statement of my account for salary for the quarter ending this day. A duplicate will be sent forward by the next mail. 1/83.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell

Enclosure.

Enclosure.

1. Salary account for quarter ending December 31st. 1880.

No. 84. One Enclosure.

Legation of the United States.

Peking, December 31st, 1880.

DEPARTMENT OF STATE
MAR 8 1881
RECEIVED

James B. Angell to the Secretary of State.

Subject.

Incidental expense account.

Synopsis.

Forwards statement of this account for the quarter ending December 31st, 1880.

No. 84. One Enclosure.

Legation of the United States.

Peking, December 31st, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:

I have the honor to transmit herewith a statement 1/84 of the incidental expense account of this Legation for the current quarter. A duplicate will be forwarded in due course.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell

Enclosure.

Enclosure.

1. Incidental expense account for quarter ending December 31st A. 1860.

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No. 85.

DEPARTMENT OF STATE
MAR 8 1881
RECEIVED

Legation of the United States.
Peking, December 31st, 1880.

James B. Angell to
the Secretary of State.

PRINTED.
FOREIGN RELATIONS
1881

Subject.

New hospital at Tientsin.

Synopsis.

This new hospital has been built and is being maintained mainly by the contributions of the viceroy and other Chinese officials at Tientsin.

No 85

Legation of the United States.

Peking, December 31st, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

As every event which shows in a marked degree the reception of western ideas by this people and especially by their high officials is of public importance, I deem it not out of place to write briefly of the erection, mainly through the contributions of Chinese officials, of a hospital at Tientsin. This hospital is under

under the charge of western physicians.

In August, 1879, Mr. Mackenzie of the London Missionary Society, Mr. Irwin, and Mrs. Howard were called by Li Hung chang, the viceroy, to attend his wife, whom the Chinese physicians had failed to relieve of serious disease. They were successful in their treatment of her case. Since then Miss. Howard, who is a regularly educated physician sent out by the American Methodist Episcopal Missionary Society, has been much consulted by the wife of the viceroy.

In

In recognition of the services of Mr. Mackenzie & and Miss. Howard the Viceroy granted them the use of a portion of a temple as a hospital and dispensary. He soon became so much interested in their work & that he listened favorably to the suggestion of Mr. Mackenzie to build a hospital. Accordingly he and other Provincial officers contributed funds which have sufficed to pay nearly the & whole cost of the building, and during the last year and a half, the Viceroy has given liberally for the payment of the current expenses for the care of

of patients. On the 2nd of December the new hospital was formally opened. The foreign Consuls and other distinguished guests were present and appropriate addresses were made.

There are and long have been other hospitals under the charge of missionary physicians. To some of these, as notably to that so long and successfully conducted by our distinguished citizen, Mr. Peter Parker, wealthy Chinese have made contributions. But this is, I think, the first hospital which has been erected, and which is supported, wholly by funds contributed

contributed by the Chinese.
This recognition of our methods
of medical and surgical "
treatment, and this adoption
of our plan of benevolent
care for the sick and suffering
poor, are certainly very "
gratifying. Every step like this
which the Chinese take "
towards our ways of thinking
and doing, has really a public
significance and tends to
facilitate our transaction of
public business with them
according to our western "
methods. This is my "
justification for occupying
the attention of the Department
with the subject of this
communication

communication.

I have the honor to be,

Sir,

Your obedient servant.

James B. Shyell

Ask - refer to Bureau of Accts
C.R

No. 86. One Enclosure.

Legation of the United States.

Peking, December 31st, 1880.

DEPARTMENT OF STATE
MAR 8 1881
RECEIVED

James B. Angell

to

the Secretary of State.

Subject.

Legation repair account.

Synopsis.

Forwards a statement of this account for the year ended December 31st, 1880.

No. 86. One Enclosure.

Legation of the United States.

Peking, December 31st, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:-

Referring to the seventh section of the lease of the premises occupied by this Legation, I now have the honor to forward herewith, 1/ a statement of the repairs made during the year ending this day.

I have the honor to be,

Sir, Your obedient servant.

James B. Angell

Enclosure.

Enclosure.

1. Statement of Legation repair account for the year ending December 31st, 1880.

Ackd + approved C. P.

Letter + response March 11, 1881. Mr. Cridler

DEPARTMENT OF STATE
MAR 8 1881
RECEIVED

No. 11. 81.

Four Enclosures.

Legation of the United States.

Peking, January 3rd, 1881.

James B. Angell to the Secretary of State.

Subject.

Endorsement of passports.

Synopsis.

Taotai at Shanghai has endorsed passports as "good for one year only." Gives copies of correspondence and Taotai's explanations. Hereafter Mr. Angell will endorse passports as "good for two years only."

No. 87. Four Enclosures.

Legation of the United States.

Peking, January 3rd, 1881.

Honorable William M. Evarts.

Secretary of State.

Sir:-

Mr. Consul General Henry wrote me, October 20th last, (copy of his despatch enclosed) 1/87. that the Taotai at Shanghai had endorsed on two Passports issued by this office to American citizens, the words, "good for one year only."

At once I addressed a note to Prince Kung expressing 2/87. the belief that the Taotai must have

have exceeded his instructions.

The Prince promptly
3/87. replied informing me that
the Southern Superintendent
of Foreign Trade had been
instructed to call on the
Taotai for an explanation of
his act, and I notified Her.
Consul General Hemmy of the
fact.

I am now in receipt
4/87. of another communication
from His Imperial Highness
which embodies the Taotai's
explanation. The statement
of the Taotai is prolix and
somewhat incoherent, but,
apparently, he desires us to
understand that, as the
passports

passports issued by English and French Consuls are good for one year only, the through inadvertence endorsed ones with the same limitation of time. I have informed Hon. Consul General Fleming of the purport of the Taotai's explanation.

Since the Consular Regulations §108., practically limit the life of a passport to two years, I have caused to be endorsed in this office, upon the passports recently issued "good for two years only."

I have the honor to be, Sir, Your obedient servant.

James B. Angell

Enclosures.

Enclosures.

1. Rev. Henry to Rev. Angell
   No. 30. October 20th, 1880.
2. Rev. Angell to Prince Kung.
   90/1880. November 10th, 1880.
3. Prince Kung to Rev. Angell
   91/1880. November 14th, 1880.
4. Prince Kung to Rev. Angell
   104/1880. December 22nd, 1880.

Despatch No. 87.
Enclosure 1.

Mr. Denny
No. 30.

to Mr. Angell,
Oct. 20th, 1880.

Sir:—

I have sent two of the passports issued by the Legation to the Taotai here for his endorsement. and he has taken the liberty to add "Good for one year only". This I assume is not his province. He will not however recede from his position without instructions from the Tsung. li. Yamen to that effect.

I am, etc,

(signed) James B. Angell

Despatch No. 87.
Inclosure 2.

Mr. Angell to Prince Kung
90/1880. Novemb. 10th, 1880.

Your Imperial Highness may be aware that by the laws of the United States this Legation - but not the Consuls - may issue passports to our citizens in China.

The United States Consul-General at Shanghai informs me under date of October 20th, that the Taotai at Shanghai in endorsing two passports issued by this Legation has added the words "Good for one year only".

Inasmuch as this Legation has not in some years received from Your Imperial Highness any intimation of even a desire for a change in the regulations for passports for foreigners, I am constrained to believe that the Taotai at Shanghai in putting a limitation of time on our passports is exceeding his instructions.

May I respectfully ask

Your

your attention to the matter.

With assurances of high consideration

I am, &c,

(signed) James B. Angell,

Despatch No. 87.
Inclosure 3.

9/1880

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication in reply.

Upon the 12th instant I had the honor to receive a despatch from Y. E. stating "that by the laws "of the United States, this Legation, "but not the Consuls may issue "passports to our citizens in China". Y. E. added that you are informed by Your Consul General at Shanghai that recently the Taotai at Shanghai in endorsing two passports issued by you, added the words "good for one year only", and upon this act Your Excellency comments that as for several years your Legation has received no intimation from me that a change in the form of passports was desired, you believe that the Taotai in thus fixing a limitation of time upon the passports has exceeded his

(instructions

instructions, &c. &c.

I have instructed the Southern Superintendent of Foreign Trade to call upon the Taotai at Shanghai for an explanation.

H. E. James B. Angell.

Peking, November 14th, 1880.

Despatch No. 87.
Enclosure 4.

104/1880. Prince Kung, Chief Secretary of State for Foreign Affairs herewith makes a communication in reply.

Upon the 16th instant I received the following statement in reply from the Intendant at Shanghai. "Upon the 22nd November the Foreign Office instructed me that it had upon the 10th Nov. received a communication from H.E. Mr. Angell stating that in accordance with the laws of the United States passports for foreigners in China could not be issued by the Consuls at the several ports but only by the Minister; that he is now informed by the Consul General at Shanghai that having recently sent two passports, issued by the Minister, to the Customs Intendant at Shanghai to be countersealed, the last named official had added to the text of the passports the words "good for one year only"; that (the

the United States Legation had not in some years received any intimation of a desire for a change in the form of passports issued: and adding that the action of the Intendant in adding the phrase mentioned be inquired into, etc.

Upon this despatch the Foreign office remarked that passports issued by the several foreign Ministers were invariably sent to the Shun tien Prefect for the countersign, and that no limitation in time was fixed upon them. In the case of these passports issued by the United States Minister, and sent to the Tsotai for the countersign, by the Consul General, why did the Tsotai add an expression limiting the validity of the passports in point of time. A full statement in explanation is required. In obedience to this requirement the Tsotai reports that from the establishment of treaty relations to the present, all passports for French, English, or

(subjects

subjects of other Powers for travel in the interior of China have been issued by their several Consuls and have been good for one year only. The United States has also for many years followed this practice. In 1877. the Consul General sent a passport, issued by the United States Minister, Mr. Seward, in favor of Mr. Fitch, a Missionary, to the Taotai for the Countersea, to Mr. Fitch's passport did not state in what parts of China it was to be used, nor for how long a period, it was countersealed and returned with the request that the Consul General would learn from Mr. Fitch the points which he wished to visit, and add their names and a limit of time to the passport and then deliver it. The Consul General replied that the passport was issued by Minister Seward and that he was not at liberty to add a single word to it.

But he affixed to Mr. Seward's

(passport

passport a statement of the area for which the passport was to be used, and the limit of time, and returned it for a further countersseal which was made and the document returned. Thereafter all of Minister Seward's passports, when sent for the counter seal bore a similar affix from the Consul General.

In September 1879. a letter was received from the Consul General stating that by the orders of the Secretary of State all passports for travel in China must be issued by the Minister, and that Consuls could neither affix an area of use nor a limit in time to the Minister's passports. At the same time passports were sent issued to and for the Intendant's countersseal. As this procedure was not in accord with regulations the matter was referred to Shen, former Superintendent of Southern trade who requested the Foreign Office to give it consideration. A reply was received saying that in March

1878

1878. a despatch had been received from Minister Seward informing the Yamen instructions had been received from his Government that passports for Americans in China must be issued by the Minister, and that the Yamen had already issued instructions in the premises; that Minister Seward had on one occasion sent a passport for Mr. to the Yamen, for "the interior" with a note stating that it was for Chihli, and three other provinces, of which the Yamen had made a note, sent the passport to the Shun tien Prefect for countersign, and then returned it to Mr. Seward; that in the present case of passports for and the Tartai should come to some suitable arrangement with the Consul General. Thereupon the Intendant wrote to the Consul General who replied asking him to make them good for Kiangsu and Chekiang which was done and the passports were countersigned and returned.

Upon the 8th April last Mr. Seward's passport for Mr. was received from the Consul General for Kiangsu

Kiangsu and Chekiang and others issued by Mr. Angell, 18th Sept. & 18th Octob. issued to Messrs
for Kiangsu and Chekiang with a request for countersseal, all of which were sealed and returned in due course. As they specified an area of use, but no limit in time it was supposed that this was omitted by mistake, and so a phrase "good for one year only" was added at the place of affixing the countersseal. It was most certainly not added with any wrong intent.

October 20th a note was received from the Consul General stating that passports issued by the United States Minister at Peking to American citizens were not limited to one year but were good en permanence, and a limit of time should not be endorsed upon them; an understanding upon this point had been reached between the Minister and the Foreign office, and must be adhered to. etc.

October

October 22nd & November 2nd

two of Minister Angell's passports ~
issued to Messrs
were received. Neither of these had a
limit of time, and both were countersealed
and returned, without any limitation
added.

Etc to the three passports mentioned
above, the limitation "good for one
year only" was an error of the ~
moment, and was not an intentional
overstepping of authority, etc.

I remark upon all this that it
appears that English French and other
passports are issued by the respective
Consuls. In the case of American
passports a modification is made
under which the Minister alone
issues such documents, and that
they may be countersealed either by the
Shun tien Prefect, or the Taotai at
Shanghai. Passports issued by English,
French and other Consuls are good for
one year only but United States ~
passports have no such limit. Thus

(the

form of these documents differs, and the Taotai misled by this, as he states, inadvertently made a mistake and added the words "good for one year only", a thing done on the spur of the moment, and with no wrong intent.

It becomes my duty to submit this explanation to H. E.

H. E. James B. Angell
" " " " "

Peking, December 22nd. 1880.

File

No. 88.

Legation of the United States.
Peking, January 4th, 1881.

DEPARTMENT OF STATE
MAR 8 1881
RECEIVED

James B. Angell to the Secretary of State.

Subject.

Receipt of instructions.

Synopsis.

Department instructions numbers 50. and 51. have been received.

No. 88.

Legation of the United States.

Peking, January 4th, 1881.

Honorable William M. Evarts.

Secretary of State.

Sir:-

I have had the honor to receive your instructions numbers 50. and 51.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell

Wade

U. S. Commission

To China

Washington Jany 6. 1861

Hon:

Jno. M. Evarts

&c &c &c

Sir

I have the honor to deliver with this, the U.S. Treaties, in Chinese and English, lately negotiated with the Chinese Government.

In placing them in the hands of the Department I desire to acknowledge the courtesy of Admiral Kelly whom I met at Shanghai and Commander Sampson of the U.S.S. Watasa at Yokohama. Rear Admiral Kelly

Send appropriate letter to Navy Department

DEPARTMENT OF STATE JAN 5 1861 RECEIVED

To Navy Dept. January 11, 1861 W. Cridler

put the Flag Ship Richmond at my disposal if I deemed it necessary to secure connection with the Pacific Mail Steamer at Yokohama. But as the Mail Steamer from Shanghai to Yokohama left the former port an ample time to reach Yokohama by the sailing of the City of Peking I did not feel warranted in imposing upon him so much detention a voyage. I took occasion to express my appreciation of his considerate courtesy

I have the honor to be
very respectfully
Your Obt Servt
J. Henry Roseboro
U. S. Consul to
China

File

Ark

No. 89.

Legation of the United States.

Peking, January 10th, 1881.

DEPARTMENT OF STATE
MAR 8 1881
RECEIVED

James B. Angell to the Secretary of State.

Subject.

Calls from Chinese Officials.

Synopsis.

States that the newly appointed Chinese Minister to Japan, and the Prince, Ministers of the Foreign Office, and Heads of the Chinese Government have called at the Legation.

No. 89.

Legation of the United States.

Peking, January 10th, 1881.

Honorable William M. Evarts.

Secretary of State.

Sir:-

On the 7th instant Hsü Chin Cheng, the newly appointed Minister from China to Japan, made an official call upon me. He is only 35 years of age and has been promoted with unusual rapidity. He impresses one as a man of much intelligence. No political significance, so far as I am aware, is to be attached

attached to the recall of the two Ministers who have been in Japan. The new Minister goes to his post when navigation opens.

On the 9th instant Prince Kung and all the Members of the Foreign Office and twenty six other officials of high rank made their New Year's call upon me. The interview was very pleasant but nothing of special note occurred.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell

File

ACK

made

No. 90.

Legation of the United States.

Peking, January 10th, 1881.

DEPARTMENT OF STATE
MAR 9 1881
RECEIVED

James B. Angell to the Secretary of State.

PRINTED.
FOREIGN RELATIONS.
1881

Subject

Telegraph line Lientsin to Shanghai.

Synopsis.

Contract for building the line has been signed, and the line is to be in working order by the end of 1881. The Lientsin viceroy urging the Government to assent to construction of a railroad, but prospect of success not good.

No. 90.

Legation of the United States.

Peking, January 10th, 1881.

Honorable William M. Evarts.

Secretary of State.

Sir:

I am in possession of the information, unofficial, but I doubt not, perfectly authentic, that contracts have now been signed by the Great Northern Telegraph Company to construct a line of telegraph overland from Shanghai to Tientsin and Peking, and also a branch from Tientsin to Paoting fu, the capital of this province.

It

It is the purpose to complete the work by next winter. Nothing but the military advantages to be gained by the use of the line in case of war has led the Government to give its consent to this enterprise. The Viceroy, Li Hung Chang, has been the active agent in pressing the Government to give its assent.

The Viceroy is also vigorously working to induce the Government to build a railroad from Shinkiang to Peking. The conservatives oppose the project with the assertions that a railroad would

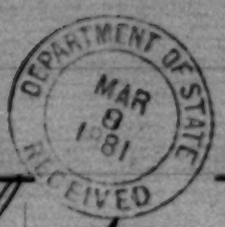
would give the foreigner
easy access to the interior,
that it would cause distress
to the people, and that it
would ruin the China "
Merchants Steamship Company.
I fear their arguments will
prevail unless the authorities
can be persuaded that the
railroad is a military "
necessity. Indeed it "
would not be out of keeping
with Chinese precedents if
the telegraphic project should
even now be abandoned,
provided a peaceful "
adjustment of the difficulties
with Russia is reached.
Still it seems probable
that

that the officials have been convinced by the advantages derived from the line between Lientsin and Taku that a further extension of the telegraphic system is desirable, and that the new project will really be carried out. The importance of such a forward step is too obvious to call for comment.

I have the honor to be,
Sir,
Your obedient servant.
James R. Rapp

Ack.

made



No. 91. Two Enclosures.

Legation of the United States.

Peking, January 11th, 1881.

James B. Angell to

the Secretary of State.

Subject.

Burnett abduction case.

Synopsis.

Refers to Mr. Angell's despatch number 78. and covers further correspondence with Prince Kung, who is not satisfied with the decision.

No. 91 Two Enclosures

Legation of the United States.

Peking, January 11th, 1881.

Honorable William M. Evarts.

Secretary of State.

Sir:-

In my number 78. of December 27th last, I announced my decision of the case of J. H. Burnett charged with the abduction of a Buddhist nun. I expressed the opinion that my decision might somewhat disappoint the Chinese officials. I enclose a copy 1/91. of a communication from

Prince

Prince Kung showing that my impression was correct.

The Chinese methods of judicial procedure are so summary that it is difficult for even the best informed Chinese officials to appreciate our judicial methods. I
2/91. enclose a copy of my reply to the Prince, in which I have endeavored to help him to an understanding of the reason of my decision.

There was no evidence which an American Court would receive to show that Burnett authorized or knew of the plan for seizing the men. The only question

open

open to serious consideration was whether he detained her. In my opinion it was not proved beyond reasonable doubt that he used actual or constructive force to detain her, though it is possible that the girl was afraid to leave.

Six Assessors have heard the case, three naval officers on the first trial which was invalid, and two missionaries and one merchant on the last trial, and these six have all found the accused "not guilty."

I have the honor to be,

Sir,

Sir,

Your obedient servant,

James B. Angell

Enclosures.

1. Prince Kung to Mr. Angell 108/1880. December 30th, 1880.
2. Mr. Angell in response. 3/1881. January 11th, 1880.

Despatch No. 91.
Inclosure 1.

108/1880.

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication.

In the case of Burnett charged with the abduction of a Buddhist nun, I received a despatch from the Governor of Chekiang some time since informing me that the criminal Kuang Ah Yi had, in accordance with the provisions of the statutes which provide the penalty for conspiring to abduct females, been sentenced to be decapitated after the Autumn Assizes, and that it should be left to Y. E. to determine in justice what punishment ought to be inflicted upon the principal offender Burnett.

In this sense I had the honor to address you in October last. Upon the 24th instant I received a despatch from Y. E. that Mr. Consul Lord had held a new trial in the case of Burnett charged with abducting

(a

a Buddhist nun; that the evidence and pleadings of the Counsel had all been sent forward to you; that Y. E had examined the case with great care: that the evidence was not sufficient to convict Burnett of the crime of abducting the nun; and that, as Your Excellency informed me, you had directed Mr. Consul Lord to inform Burnett of your decision.

This decision of Y. E. appears to declare that Burnett did nothing more than to employ Kuang Ah Yi to procure a Chinese female to come and live with him, but that the forcible abduction of the nun was the act of Kuang Ah Yi, of which Burnett was ignorant, and that there is no sufficient proof that after the arrival of the nun at Burnett's residence he employed force to keep her there, and hence according to the statutes he cannot be punished.

It is important to notice that the nun on her arrival at Burnett's quarters was entirely naked

(below

below the waist. A woman in this condition certainly ought not to have been detained a moment in a man's apartments. How was it that she was delayed for seven days before she was released? Burnett must have known that nakedness is not a virtue in a woman, and that a nun is not a marriageable person. How is it that the nun begged with sobs and tears to be released, but was rigorously detained. From the very fact that Kuang Ah yi dared to abduct the nun and had no fear of punishment, it is evident that Burnett was his principal, and hence it cannot be maintained that Burnett was ignorant of what his agent did.

The nun went there February 8th and was released February 15th, these dates are known to all, and it cannot be said that there is no reliable evidence. Mr. Lord being the Consul at Ningpo had more reliable information than others, and he,

(being

being convinced of Burnett's guilt, & consequently sentenced him to one year's imprisonment and to pay a fine of $500. Knowing that this punishment was applicable by statute to Burnett's offence, he sentenced him accordingly. But V. C. being of the same opinion with the Assessors, who differed from the Consuls decision, is disposed to agree with them, and to allow Burnett to escape punishment. Is not this, in the first instance, deciding that the Consul has perverted justice?

The 11th Article of our Treaty provides whenever the people of either country commit offences they shall be punished according to the laws of their respective countries. Kuang Ahyi, the accomplice, has, according to Chinese law, for abducting females been sentenced to decapitation.

His principal, Burnett, according to Consul Lord's decision was to receive a punishment light in proportion to the gravity of his offence. How can it now be said that the evidence is entirely unreliable, and a step further be taken

to

to release him entirely? Or is it that his offence is of no importance, and that the laws of his country fail to do justice. This certainly will not commend itself to the minds of men as being in accord with justice.

Y. E. is just in the administration of affairs and will not consent to any partiality. I beg that you will instruct the Consul to settle this case in a just manner, and without discrimination or unfairness, an issue much desired by myself and the Ministers of this Office.

H. E. James B. Angell,
" " " "

Peking, December 30th, 1880.

Despatch No. 91.
Enclosure 2.

3/1880.

January 11th, 1881.

To His Imperial Highness Prince Kung.

I have the honor to acknowledge the receipt of Your Imperial Highness's communication of the 30th December last on the Burnett case in which you ask me to give Mr. Consul Lord further instructions to settle the case in a just manner.

In reply allow me to say that my indignation at the crime committed was so great that in my examination of the case I was willing to go to the full limit of our law in punishing the accused if the evidence should warrant me in finding him guilty.

But I am compelled to conform to our laws. And these laws require as follows.

1. The crime charged must be

be proved by competent witnesses — beyond a reasonable doubt.

2. A man like Huang Ah Yi cannot be regarded as a competent witness. His testimony unsupported is valueless. This is so for two reasons. First, he contradicted himself before the Taotai swearing once that he was not directed by Burnett to seize the nun by violence, and swearing afterwards that he was so directed. The evidence of a man who lies we do not take. Secondly, he was an interested witness. The District Magistrate stated in Court that if it was proved that Huang Ah Yi acted under compulsion by Burnett, his punishment might be changed from strangulation to exile. The testimony of a man so interested in swearing against the accused we do not take

There were two counts in the complaint against Burnett. first, that he authorized the violent

(seizure

seizure of the nun, second that he detained her against her will. The first charge is not proved, unless the testimony of Hsiang Ah Yi is to be taken. But by our law that cannot be taken.

In respect to the second charge you refer to the fact that when the nun arrived, she was naked from the waist down. But the evidence shows that she was at once supplied with clothes and that she passed the first night in the gatekeeper's house and with his wife. It was not till the next day that she was removed to Burnett's house.

Now both the woman who attended her while she was there, and Burnett's Chinese boy testify that there were no locks on her door or on the outer doors or gates and that no one was instructed to detain her. Burnett was away hours in the daytime, and she could have gone out at any time, if she had chosen

to

so to do.

Moreover Burnett sent repeatedly to the old nun, who was in charge of the nunnery, to come and take the young nun home. He went himself and asked the old nun to do so, he sent to a military mandarin to come and take her away, and finally he took her back himself.

In view of these facts, according to our laws of evidence it does not seem to me proved beyond a reasonable doubt that Burnett detained the nun by any force.

These facts have been laid before seven men before they came to me. Mr. Consul Lord and three assessors at the trial on the steamer "Manoeuvre" and the same Consul with three other Assessors at the trial in Ningpo. Six of the seven men, namely, all but the Consul have decided that the charge is not proved against Burnett.

And now with the strongest desire not to allow a man guilty of

(this

this nefarious crime of abduction to go unpunished, I am constrained after the most thorough examination of the testimony, to hold that according to our laws the accusation is not sustained.

Furthermore by our statutes after I have rendered a decision, as I have done in this case, it cannot again be reopened by the Consul. The decision must stand.

I trust that after reading this statement of the requirements of our laws and this brief rehearsal of the leading points in this case, Your Imperial Highness will believe that I have not been led to my decision by any desire to screen the guilty, but that judging the testimony by our laws and judicial methods I could reach no other conclusion than that which I announced in my last communication.

I avail myself of this opportunity to assure Your Imperial

Highness

Highness of my distinguished consideration.

I am, &c. &c.

(signed) James B. Angell.

For the Secretary's consideration

Wade

Acctes. States that gold chronometer & chain would be presented to Mr. Dillon Apr. 18, 1881. Mr. Dillon

Report what amount is due Mr. Dillon at the rate of $3500 per an. C.P.

No. 92.



Legation of the United States.

Peking, January 11th, 1881.

James B. Angell to the Secretary of State.

Subject.

Compensation to Mr. Dillon.

Synopsis.

Mr. Dillon hesitates to receive money compensation for his services at Tientsin as Consul of the United States. The French Minister suggests that a piece of plate or other object be presented to him. Mr. Angell asks instructions.

No. 92.

Legation of the United States.

Peking, January 11th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:

In your despatch, number 42. of September 30th, you stated that the French Consul, Monsieur Charles Millon of Tientsin had been informed by you that he would be compensated at the rate of $3,500 a year for the term during which he discharged the duties of United States Consul at that port.

Monsieur

Monsieur Bourée, the
French Minister, in a
recent interview with me
stated to me that he had
reason to suppose that
Monsieur Hillon was
inclined to hesitate about
receiving direct compensation
from our Government for
his services. Monsieur
Bourée said further that
he thought some testimonial
from our Government,
such as a piece of plate
or other appropriate object,
would be extremely
gratifying to Monsieur Hillon,
and asked me whether our
appreciation of his services
could

could probably take such a form of expression.

I could only assure him that I would confer with you on the subject. May I therefore ask what reply I shall make to Monsieur Bourée.

I have the honor to be,
Sir,
Your obedient servant.
James B. Stapell



One Enclosure.

Legation of the United States.

Peking, January 12th, 1881.

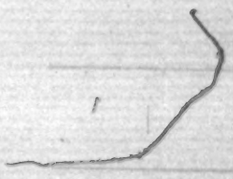
Chester Holcombe to the Secretary of State.

Subject.

Account for salary.

Synopsis.

Refers to despatch of December 31st and forwards a duplicate statement.



One Enclosure.

Legation of the United States.

Peking January 12th, 1881.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Referring to my despatch of the 31st ultimo, I have the honor to enclose herein a duplicate statement of my salary account for the quarter ended December 31st, 1880.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

4

Enclosure.

Enclosure.

1. Duplicate statement of salary account for quarter ended December 31st, 1880.

No. 93. One Enclosure.

DEPARTMENT OF STATE
MAR 8 1881
RECEIVED

Legation of the United States.

Peking, January 12th, 1881.

James B. Angell to
the Secretary of State.

Subject.

Legation rent account.

Synopsis.

Refers to despatch number 82, and covers a duplicate statement of this account.

No. 93. One Enclosure.

Legation of the United States.

Peking, January 12th, 1881.

Honorable William M. Evarts,

Secretary of State.

Sir:

Referring to my despatch number 82, I have the honor to forward herewith a duplicate 1/93. of the Legation rent account which it covered.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell

Enclosure.

Enclosure.

1. Duplicate statement of Legation rent account for quarter ended December 31st ult. 1880.

Ack

made

No. 94 One Enclosure.

Legation of the United States.

Peking, January 13th, 1881.

DEPARTMENT OF STATE
MAR 8 1881
RECEIVED

James B. Angell to

the Secretary of State,

For. Rel. 1880

PRINTED.
FOREIGN RELATIONS
1881

Subject.

Import duties and Lekin taxes.

Synopsis.

Refers to despatch number 58. and brings the history of negotiations down to date. No solution yet reached, but probable that China will accept an import duty of 10% in lieu of all inland taxes.

No. 94 One Enclosure.

Legation of the United States.

Peking, January 13th, 1881.

Honorable William M. Evarts,

Secretary of State.

Sir:

Since my despatch number 58. of November 30th last, the discussion between the Diplomatic Body and the Foreign Office on the proposition to increase the duty on imports and abolish the Lekin on them has advanced one stage.

On the 13th of December Sir Thomas Wade received from

from the Foreign Office a reply to the Memorandum which he had presented to them in behalf of himself and his Colleagues. A discussion between Sir Thomas and the Foreign Office in respect to the exact import of a certain passage in the reply delayed the translation.

1/94. But I now enclose a copy.

At a Conference held on the 4th instant it was decided by the unanimous vote of the foreign Ministers to instruct Sir Thomas Wade to say with brevity to the Foreign Office that their proposition is unsatisfactory.

You

You will observe that their proposition is to raise the duty on imports from 5 per cent to 11½ per cent, and to free the goods from all tekin and charges of every sort in the interior.

This is a very important proposition even in that form. But the belief of the Diplomatic Body here is that the Government may perhaps be brought to accept of ten per cent instead of eleven and one half.

The British Minister presented at the Conference a rough draft of a paper in which

which he expressed the opinion that, if the proposed arrangement were adopted, Likin would, still to a greater or less extent, be laid on foreign goods so long as it should be laid on native goods, and that, notwithstanding the frequent protests against it by the Chinese themselves, the native goods will probably not be exempted from it in many years. He was requested by the Conference to write out his opinion on this subject more fully.

Since the Conference Sir Thomas Wade has had an interview with the Tsungli Yamen and

and reported to them our dissatisfaction with the rate they propose, eleven and one-half per cent. We received the impression that they will probably agree to accept ten if we propose it. It will be borne in mind that none of the propositions mentioned will be recommended by the Ministers here to their respective Governments, except with these conditions annexed; first, that there shall be a court of reclamation to secure to importers the return of any levies or other tax laid upon goods which have paid the stipulated duty; and second, that

that the scheme shall be experimental, tried for a limited time, until it shall be seen how it works.

I reserve a discussion of the very interesting and important subject, until it is determined whether the Diplomatic Body and the Foreign Office can come to an agreement upon the rate of duty to be imposed.

I have the honor to be,

Sir,

Your obedient servant.

James R. Angell

Enclosure.

1. Minute of Foreign Office on Import Duties and Likin.

Despatch No. 94.
Inclosure.

The writers have perused the Memorandum handed them regarding the proposition to increase the duties on foreign goods.

It states that the half tariff duty is equivalent to the Lekin levied in the provinces and that inasmuch as in the port provinces, where the trade in foreign goods is comparatively large, the likin and other charges amount to a Tariff Duty and a Half Duty, in the provinces inland of these, where the trade in foreign goods is comparatively small, the Lekin and charges thereon, can amount but to two tenths (1 per cent) or at the most three tenths (1½ per cent) ad valorem.

To make any arrangement possible in affairs in which Chinese and foreigners are conjointly concerned, the essential condition is that thought should so be bestowed upon it on both sides as to enable each to arrive at what is just.

(The

The object of the foreign Representatives being the advantage of the merchant, they will hold naturally that as regards any addition to the duty, the less that can be added to it the better. But it is incumbent on the Chinese Government when projecting measures to be adopted, to look at both sides of the question in its integrity, and while mercantile interests are advanced, yet more to see that no loss befal the state's revenue. Thus possibly may it be enabled at the same time to do justice and to make a settlement that will endure.

The likin besides, (which it is now proposed should no more be levied on foreign goods) is of consequence to the support of the provincial armies. The proposition under review is that after payment of an additional duty, which is to be levied at the same time as the (original) Tariff duty, on foreign goods when they enter port, nothing farther

(in

in the shape of lekin or other duty of any kind or denomination, shall be levied on these goods when they are carried inland from the port, or from any place to which they may have been carried inland, to any other place, This single payment of duty will be a considerable advantage to the merchant.

(But, now on the other side) the Chinese Government on its part is to collect duty but once, and the likin and charges which should be collected at different stations, whenever foreign goods arrive at these, are to be altogether foregone, If the amount of this single collection prove an inadequate substitute for the revenue derived from the likin and charges collected at those different stations, - to say nothing of the myriad difficulties that would beset such a scheme in its operation, - it is to be assumed that considering the friendly terms on which foreign Governments have long been with the

(Government

Government of China, no foreign Representative would desire to introduce a measure that while it purported nominally to increase the Tariff, in reality made China suffer by the loss of Lekin.

In a conference with Sir Thomas Wade some time ago the Ministers suggested an addition that would have raised the Tariff to Tls. 12. 5. This reduction (from a previous estimate) was made after much deliberation, and was in point of fact not considered by the provincial authorities a fair equivalent for what is collected as Lekin or other (inland) duties. The distances to which goods are carried are some greater and some less, and while the Lekin levied on foreign goods sold in the provinces near the port is (admitted to be) more than the Barrier Duty (Half Duty), there is greater difficulty in estimating what will be the amount levied on goods as they are being carried for sale to provinces more remote. When therefore

(the

the Ministers resolved on proposing as a Mezzo termine the addition of a single Tariff Duty to the Tariff Duty and Half Duty (now leviable) they were arguing the point in all fairness. But the foreign Representatives requiring a farther reduction on the part of China, the Ministers have had nothing for it but to make every effort towards concession. They accordingly farther reduced (the proposed addition) by five mace. By the free circulation of foreign goods in all parts, (under these conditions) foreign merchants will be benefited in no mean degree. The Chinese Government will lose by it, but not so very much.

The Ministers would add that having considered (this question) twice and again, they do not attempt (do not propose) to engage in an exchange of arguments controversially, a vain waste of correspondence and verbal discussion. They present a

(plain

plain statement to the Representatives: viz, that they have reduced their estimate by five mace, in addition to the five mace before taken off it; by one tael, that is, in all; thus making (the total duty) Th. 11. 5. eleven taels five mace. This is a reduction extraordinary and the farthest length in that direction that, when every point has been strained, they find they can go. It is their hope that it may meet the requirement. It would be difficult for them to make any farther concession. The Representatives, they imagine, will appreciate the pains they have been at to meet their wishes.

Ack

made

No. 95. Three Enclosures.

Legation of the United States.

Peking, January 14th, 1881.

DEPARTMENT OF STATE
MAR 8 1881
RECEIVED

James B. Angell to the Secretary of State.

PRINTED.
FOREIGN RELATIONS
1881

Subject.

Transit dues outwards and duty free goods.

Synopsis.

Refers to despatch number 52. and brings history of negotiations between the Diplomatic Body and Foreign Office down to date.

5

No. 95. Three Enclosures.

Legation of the United States.

Peking, January 14th, 1881.

Honorable William M. Evarts.

Secretary of State.

Sir:

In my despatch number 52. of November 22nd last, I described the state of the negotiations at that date between the Diplomatic Body and the Foreign Office on the subject of Transit Passes outwards. I referred to the draft of a paper presented by M. von Brandt at a Conference on November 22nd, setting forth, at the request of

of the Tsung-li Yamên, the
reasons for the rules "
suggested by the Foreign "
Representatives. A copy of that
paper has since been furnished
by Mr. von Brandt and I
1/95. enclose it. It will be "
remembered that, according to
the understanding of the
conference, Mr. von Brandt
was to present this communication
to the Foreign Office as simply
his own, but he was "
authorized to say at the close of
it that the foreign Representatives
were unable to understand why
the Chinese Government should
object to Sections II. and III.
without which the proposed
arrangement

arrangement would not be acceptable.

To the communication of Mr. von Brandt the Tsungli Yamên on December 5th sent a reply, a copy of which is enclosed. They still express objections to Sections II and III, and they ask for a list of the native articles which by Treaty are duty free. 2/95.

Owing to the illness of Mr. von Brandt no Conference was held last month. But one was held on the 4th instant and the Yamên's reply was considered. It was decided to adhere to the propositions before made, save that Rule II should

be

be changed so as to indicate specifically what articles of foreign manufacture or origin, and what articles of foreign or native manufacture or origin shall be duty free.

3/95. A copy of the amended Rule II. is enclosed.

I have the honor to be,
Sir,
Your obedient servant.
James B. Angell

Enclosures.

1. Mr. von Brandt to the Foreign Office. November 20th/4, 1880.
2. The Foreign Office in reply. December 5th 1880.
3. Rule II as amended.

Despatch No. 90.
Enclosure 1.

To the Ministers of the Tsung-li Yamên.

Peking, November 20th, 1880.

On the 19th instant the Undersigned had the honor to receive the visit of Their Excellencies, Shen, Lin, Wang, Chung, and Kwei. They informed him that, notwithstanding the opposition from the provinces, the Yamên was willing to agree to Sec. I. Rule 9. of the proposals laid before them by the Undersigned, but that in view of the strong objections raised from the same quarter, they could accept neither Section II. nor Section III of the same proposal.

At the close of the conference the Ministers suggested to the Undersigned to place before the Yamên in writing his reasons for desiring to maintain the two Sections and the Undersigned agreed to do so after having taken the sense of his Colleagues, the Representatives of the other treaty powers.

(The

The reasons which caused the foreign Representatives to place before the Yamên in May last the proposals contained in the three sections now under discussion, were to do away with such difficulties as had arisen from time to time and which while they seriously interfered with the interests of trade, were likely to create and continue disagreements and illfeelings between the local officials and the Consuls as well as between the Government of China and those of the treaty powers.

The Tsung-li-Yamên having repeatedly complained of abuses in the use of transit passes outwards, the Representatives of the Treaty Powers made it their first object to remove all causes of complaint in relation to this subject.

The restrictions as to the time within which transit passes must be used and within which native produce brought down under transit

passes

passes must be exported as well as all the rules contained in Sec. I. of the proposals are so many concessions and important concessions made by the foreign Representatives to the Tsung-li-Yamen: even Rule 9. instituting a joint investigation in cases of fines and confiscations, arising under the stipulations contained in Sec. I. may be fairly considered at least partly a concession to the Yamên as by treaty the investigation of cases of fines belongs solely to the Consul of the Defendant.

While thus showing their earnest desire to consult the wishes of the Chinese Government and to comply with them, it was the duty of the foreign Representatives to see at the same time that also the causes of those complaints were removed, which had been repeatedly urged by them upon the attention of the Tsung-li-Yamên.

It was for this cause that Sections II and III were introduced

(into

into the new proposals.

Neither the one nor the other claims any new advantages for the treaty powers but they simply reassert rights granted to them by former treaties, a reassertion rendered necessary by the persistent efforts of some local authorities to ignore them.

Section II. reasserts the right that certain articles of native produce very few in number and very unimportant indeed, are free from export duty under Rule II of the Regulations for Trade. cf. Alinea 2 of Rule I of the Regulations for Trade etc, mentions the articles in the list of duty free goods as exempt from the ad valorem duty which is paid by articles mentioned neither in the import nor in the export tariff. It is not necessary to enter upon a discussion of the Chinese text of the rules in question, as under Art. 5. of the German treaty

(of

of 1861. in cases of dissent the French text is the one to be relied upon. I have the honor to hand herewith to the Yamen the French text of Rules I. and II. of the German Treaty and I have full confidence in the good faith and impartiality of the Chinese Government in expressing the conviction that in the face of this French text the pretensions of some local authorities to levy export duty on the articles mentioned in trade rule II as duty free, will be done away with for ever.

But even in this Section a concession is made to the Yamen by the foreign Representatives in admitting the levy of a coast trade duty on duty free native produce, a new proof of the conciliatory and friendly spirit, in which these proposals have been draughted, a spirit which I am sorry to say seems to be understood or appreciated neither by the provincial authorities

(not

nor by the Yamen itself.

Section III. also contains nothing new, but reasserts only the right of foreign merchants to buy native produce at the ports and to export it without being bound to produce receipts for the payment of inland taxes, this latter rule holding good only for produce bought by foreigners in the interior and brought down under transit passes.

The rule that on goods manufactured at the ports only export duty shall be levied is also in entire conformity with the stipulations of the treaties.

The Undersigned trusts that this short review of the rules contained in the proposals submitted by him in the name of his Colleagues to the Yamen, will convince Their Excellencies that while these proposals contain many new and important concessions to the Chinese Government they contain

nothing

nothing to which the treaty powers have not a full and undoubted right under the former treaties. It is for these reasons that the Undersigned cannot admit that only one or two of the sections composing the proposals are accepted while the other sections are rejected. The proposals stand as a whole and have to be accepted or rejected as a whole. They were made by the foreign Representatives in a spirit of moderation and friendliness and the Yamen will have to bear the responsibility of their rejection.

As the decision of the Yamen in the one or the other direction will involve instructions to be forwarded to the German Consular authorities in the provinces, the Undersigned would feel obliged to Their Excellencies for a speedy reply. The Undersigned is at the same time authorized by his Colleagues the Representatives of France,

Great

Great Britain, Spain, Russia, and the United States to state that they are equally unable with him to understand on what grounds the Chinese Government objects to the adoption of Sections II & III without which the arrangement would not be acceptable to them.

I avail myself .....

(sig.) von Brandt.

Despatch No. 95.
Enclosure 2.

To the Minister of the German Empire.
December 5th, 1880.

A few days ago the Ministers of the Yamen received a note from H.E. Mr. von Brandt to the effect that he had been charged by his Colleagues the Representatives of the Treaty Powers to state that the Provisional Rules in three Sections for the Regulation of Transit Trade outwards must be accepted in their entirety. The note was accompanied by a document in a foreign language.

The Ministers would observe that the Chinese text of Rule II. of the Regulations for Trade appended to the Treaties with reference to duty-free goods, contains the word "foreign" only, while the text, which runs on consecutively without a break, does not specially indicate which are native goods and which are foreign.

As, however at the close of this same Rule it is distinctly stated that

(all

all goods sent into the interior will, as in other cases, pay a duty of Tls. 2.5, it may be seen that it is foreign goods which are referred to.

A translation of the foreign document forwarded by Mr. von Brandt has now been made, (and it is found) that here also only the word "Foreign" is employed with reference to the articles enumerated in this document, the word Chinese not occurring at all. A Chinese translation of the document in question is forwarded for His Excellency's perusal.

The note under acknowledgment observes that the few articles of (native) produce that are duty free are unimportant (lit. fractional and miscellaneous). Since they are few and since they are unimportant, the duty upon them would not probably amount to much, and the Yamen have to request Mr. von Brandt to furnish them with a list of the names of these, "few and unimportant

(articles

articles of native produce".

As regards the (sections relating to the) purchase of native produce by foreign merchants, one is to the effect that goods purchased in the interior under transit pass shall pay the export duty as well as the half duty. The other is to the effect that produce brought down by native merchants upon which inland dues and likin have been paid, shall, when purchased by a foreigner at a treaty port, be liable only to the export duty and not to the half duty as well. The arrangements proposed under the above two sections being already stipulated for in the Treaties and Trade Regulations, should be enunciated (afresh) but there can be no necessity for the introduction of other remarks, which would lead to considerable confusion.

Again if foreign merchants be permitted to manufacture native produce before submitting

it

it to the inspection of the Customs, many abuses will most certainly arise in consequence of the confusion caused by the substitution of one article for another.

The provision for inspection is intended only to guard against abuse.

If Monsieur von Brandt will agree to the adoption of an arrangement in the spirit of these two rules as previously forwarded to him by the Yamen, the question of their being given effect to can be considered simultaneously with the rest.

Compliments &c.

Despatch No. 95.
Enclosure 3.

Rule II.

The following goods shall be duly free

Of foreign manufacture or origin	of foreign or native manufacture or origin
foreign coins	gold & silver in bullion
" confectionary	flour
" clothing	indian meal
" candels	sago
" tobacco	biscuits
" cegars	preserved meats & vegetables
" medicines	cheese
" plated ware	butter
" perfumery	jewellery
" wine beer & spirits	soap
" stationery	charcoal
" carpeting	firewood
" druggeting	household stores
" glass & cryptal ware	ship stores
	personal baggage
	cutlery

The above when of foreign manufacture or origin pay no import duty, nor coast trade duty, when of native manufacture no export duty nor coast trade duty; but,

if

if duty free goods of foreign manufacture or origin are transported into the interior, they will with the exception of personal baggage, gold and silver bullion and foreign coins pay a transit duty at the rate of 2½ per cent ad valorem.

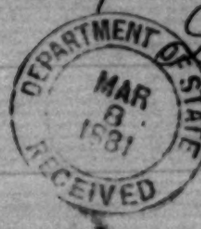
Paragraph 3, as before.

File

Ack

made

No. 96.



Legation of the United States.
Peking, January 17th, 1881.

James B. Angell
to
the Secretary of State.

Subject.

Lewchew question. Japanese Minister leaving for Yeds.

Synopsis.

Mr. Shishido leaves Peking at once for Yeds. It is understood that this action on the part of Japan is intended to indicate to China its dissatisfaction at the course of the latter in the Lewchew question.

No. 96.

Legation of the United States.

Peking, January 17th, 1881.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Mr. Shishido, the Japanese Minister to China, had been ordered by his Government to set out at once for Tokio, although he can now reach Shanghai only by making the journey overland to Hankiang. He expects to leave here on the 19th instant.

It is intimated, though upon this point I have not yet been

been able to gain positive &
information, that he is not
permanently recalled, but that
he goes home to give more &
detailed reports upon the &
recent negotiations upon the
Loo Choo question than can
be well communicated by
writing. The purport of the
representations which come
from the Japanese Legation is
that some weeks ago the
Chinese Government had
substantially agreed to an &
adjustment of the Loo Choo
difficulty which was &
satisfactory to Japan. It is
understood that, by the terms
of the proposed arrangement,

Japan

Japan was to secure nearly the whole group of the islands. It was when war with Russia was not improbable that China signified a willingness to settle with Japan upon such terms. Now that the hope seems to be indulged by China that her troubles with Russia may be composed without war, she is disposed to be less yielding in her negotiations with Japan.

It is probable that Japan means this sudden summons of her Minister home, when he must make an overland journey of hundreds of miles to reach Shanghai.

Shanghai, to be regarded by China as an expression of her profound dissatisfaction with the course which the Chinese Foreign Office has pursued.

I have the honor to be,
Sir,
Your obedient servant.
James R. Angell

No. 97. One Enclosure.

DEPARTMENT OF STATE
MAR 8 1881
RECEIVED

Legation of the United States,
Peking, January 18th, 1881.

James B. Angell to
the Secretary of State.

Subject.

Salary account.

Synopsis.

Refers to despatch number 83. and forwards a duplicate of this account.

No. 97. One Enclosure.

Legation of the United States.

Peking, January 18th, 1881.

Honorable William M. Evarts.

Secretary of State.

Sir:-

Referring to my despatch number 83. I now have the honor to forward, herewith a duplicate statement of my salary account for the quarter ended December 31st, 1880. 1/97.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell.

Enclosure.

Enclosure.

1. Duplicate of salary account for quarter ended December 31st 1880.

No. 98. One Enclosure.

Legation of the United States.



Peking, January 18th, 1881.

James B. Angell to
the Secretary of State.

Subject.

Incidental expense account.

Synopsis.

Refers to despatch number 84.
and forwards a duplicate of
this account.

No. 98. One Enclosure.

Legation of the United States.

Peking, January 18th, 1881.

Honorable William M. Evarts.

Secretary of State.

Sir:-

Referring to my despatch number 84, I have the honor to transmit herewith a duplicate statement of the incidental expense account of this Legation for the quarter ended December 31st, 1880. 1/98.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell.

Enclosure.

Enclosure.

1. Duplicate statement of the incidental expense account of Legation for quarter ended December 31st, 1881.

Ack + refer to Bureau of Accts
C. P.

Wade



No. 99. One Enclosure.

Legation of the United States.

Peking, January 18th, 1881.

James B. Angell to the Secretary of State.

Subject

Legation repair account.

Synopsis.

Refers to despatch number 86. and forwards a duplicate of this account.

No. 99. One Enclosure.

Legation of the United States.

Peking, January 18th, 1881.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Referring to my despatch number 86, I have the honor to forward herewith a statement in duplicate of the repair account upon the Legation premises for the year 1880. 1/99.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell.

Enclosure.

Enclosure.

1. Duplicate statement of Ligation repair account for 1880.

The Legation of the United States.

1880.		Dr.	
Jan. 1	To balance forward	$ 136	97
May 31	" bill of Fogg & Co for hardware	" 15	28
Dec. 31	" petty account for hardware	" 14	36
"	" Chinese paper and paper hanging (see Chinese bill)	" 35	96
"	" builder Li's account for repairs (see Chinese bill)	" 242	20
" "	" balance forward	" 155	23
		$ 600	00

in account for Repairs

		Cr.	
1880			
Dec. 31	By annual allowance for repairs as per lease	$	600 00
		$	600 00
1881.			
Jan. 1	By balance forward	$	155 23

E. & O. E.

S. Wells Williams
by his attorney in fact
Chester Holcombe

Approved
James B. Angell
United States Minister

Despatch No. 99.
Enclosure.

Legation repair account.

1880.

Duplicate.

Copy to Mr. Hackett for his information
C. P.

Letter to Mr Hoskett
March 28. 1881.
Letter to Mr. G. Hill
March 28. 1881.
Mr. Crosby

Made

DEPARTMENT OF STATE
MAR 25 1881
RECEIVED

No. 100. Two Enclosures.

Legation of the United States.
Peking, January 20th, 1881.

James B. Angell
to
the Secretary of State.

Subject.

~~Trade and Foreign Claims.~~

Synopsis.

Refers to number 80. encloses further unsatisfactory correspondence and expresses the fear that China will not pay these claims except under pressure of some sort.

No. 100. Two Enclosures.

Legation of the United States.

Peking, January 20th, 1881.

Honorable William M. Evarts,

Secretary of State.

Sir:—

In my despatch number 80. of December 28th last, I gave an account of the correspondence which had passed between Prince Kung and me respecting the Ward and Keorjon claims.

I now enclose a copy of the reply which Prince Kung has made to my direct inquiry whether the Chinese Government 1/100.

is

is prepared to pay or &
declines to pay these claims.
You will observe that he falls
back upon the old ground that
the Government will pay when
certain documentary evidence,
which has been lost, is &
produced. He knows very
well that it cannot be
produced. He knows equally
well that the contents of the
lost papers have been sworn
to by unexceptionable &
witnesses.

2/100. I enclose a copy of
my rejoinder to the Prince.
I still abstain from arguing
details because I am sure it
would be fruitless.

I

I fear that the claims will never be paid until circumstances enable us to bring some special pressure upon this Government to secure some favor or to avoid some trouble they may meet our just demands. I doubt whether under other conditions they can be brought to do it.

I shall lose no proper opportunity to press the claims, and shall welcome any suggestions from the Department respecting them.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell.

Enclosures.

Enclosures.

1. Prince Kung to Hon. Angell
1/1881 January 8th, 1881

2. Hon. Angell in rejoinder.
5/1881. January 19th, 1881.

Despatch No. 100.

Enclosure 1.

1/1881.

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication in reply.

Upon the 28th December I had the honor to receive Y. E's despatch in the Ward and Keorjeor Claims reciting that they had been so often and so fully considered by your predecessors and this Office that it was needless for you to go into details again, and that it is your duty to ask whether the Government of His Imperial Majesty is prepared to pay the Ward and the Keorjeor claims as they are presented in your last communication, or whether it declines to pay them.

In response I beg to remark that as Y. E. has examined these claims from beginning to end, there seems to be no occasion for me or the Ministers to discuss them further. In regard to the bills incurred in the military

(operations

operations for the suppression of the Taiping Rebellion, all such as had documentary evidence in proof have been paid in full. These accounts alone though not large in amount must be carefully scrutinized not from any unwillingness to pay them, but because in the Ward claims, while Woo Taotai was living, he held that they ought not to be paid, and because in the Keorjeo case it is brought forward after many years and after the death of the parties most closely concerned.

Your Government having maintained in this business that verbal evidence was proof of the validity of the claims and my Government having insisted upon documentary evidence, and each side having thus held to its own view with no result accomplished, after long discussion this office in a spirit of concession instructed H. E. Shen to find some means of settling this business.

W

H. E. Shen also in a conciliatory spirit examined each case and decided that certain sums should be paid. And this was done as a compromise and as the only means of closing the business, and was not an admission of our obligation in the premises.

Your Excellency having now inquired whether my Government will or will not pay these claims upon the basis of your despatch of December 3rd, there being no reason why China ought not to meet all just obligations, I have the honor to reply in a single word: If indisputable documentary evidence of the claims can be produced they will be paid without exception. H. E. is exceedingly intelligent in business matters and knows how to deal with them, and this will not fail to commend itself to you.

H. E. James B. Angell,
etc. etc. etc. etc.

Peking, January 8th, 1881.

Despatch No. 100.
Enclosure 2.

Mr. Angell to Prince Kung.
5/1881 January 19th, 1881.

I have had the honor to receive the communication of the 8th instant which Your Imperial Highness has sent me in reply to my inquiry whether His Imperial Majesty's Government is prepared to pay the Ward and the Georjeor Claims, as presented in my note of December 3rd last.

Your answer is "if indisputable documentary evidence of the claims can be produced, they will be paid without exception".

Your Imperial Highness Knows, as my Government knew when it instructed its Minister to renew the request for the payment of these claims, that certain papers, containing important documentary evidence in respect to these claims, have been lost, probably stolen, But my Government knows, as doubtless Your Imperial Highness knows, that the former

former existence and the contents of the lost documents, have been proved by the testimony of the most unimpeachable witnesses. The validity of the claims has been so fully established that it is believed that no Western nation, which wishes to maintain its credit, would hesitate for a moment to recognize its obligation to settle them.

Therefore my Government has been unwilling to believe that His Imperial Majesty's Government whose general course towards the United States has been so just and friendly, would longer postpone the settlement of this question, which has so many years been under discussion.

It is a matter of profound regret to me to have to report, as it will be to my Government to receive so disappointing and unsatisfactory an answer to what it deems simply a just and reasonable demand.

I am, etc.

(signed) James B. Angell.

No. 701.

Legation of the United States.
Peking, January 22nd, 1881.

DEPARTMENT OF STATE
MAR
25
1881
RECEIVED

James B. Angell to the Secretary of State.

Subject.

Receipt of instructions.

Synopsis.

Department instructions numbers 52 and 53. to Mr. Angell, and numbers 5. and 6. to the Commission have been received.

No. 101.

Legation of the United States.

Peking, January 22nd, 1881.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honor to acknowledge the receipt of your instructions numbers 52. and 53. addressed to me, and your instructions numbers 5. and 6. addressed to the Commission.

I have the honor to be,

Sir,

Your obedient servant.

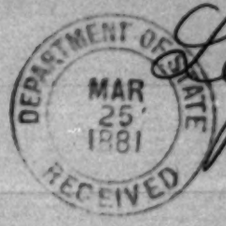
James R. Angell.

Ack + refer to Mr. Benedict

File

W Adee

No. 102. One Enclosure.



Legation of the United States.

Peking, January 24th, 1881.

James B. Angell to the Secretary of State.

Subject.

Passport returns for 1880.

Synopsis.

Forwards an abstract of the passports issued during the year ended December 31st, 1880.

No. 102. One Enclosure.

Legation of the United States.

Peking, January 24th, 1881.

Honorable William M. Evarts.

Secretary of State.

Sir:-

I have the honor to forward herewith a statement of the passports issued from this Legation during the year ended December 31st, 1880. 1/102

A duplicate will be sent forward by the next mail.

You will notice that 22 passports have been issued during the year, for which fees to the amount of

of $110. have been collected.
Of this amount Mr. Seward
retained $45. as you were
informed in my despatch
number 69.

The balance, say $ 65.00,
will be passed to the credit of
the Government in my account
for salary for this quarter.

I have the honor to be,
Sir,
Your obedient servant.
James B. Angell

Enclosure.

1. Abstract of passports "
issued during the year "
ended December 31st, 1880.

Despatch No. 102.
Enclosure.

Passport abstract.

1880.

No 102 Peking Jan 24, 1881

Abstract of passports issued

No	Name	Date	State or Country	Age	Height
255	Mat. T. Yates	Jan. 18		61.	6. 2½
256	B. C. Henry	" "		43	5. 11
257	D. C. Jansen	" 15		39	5. 11½
258	F. P. Knight	" 30		28	5. 10
259	C. R. Crane	Mar. 8		21	5. 10
260	H. C. Ledyard	July 12		29	5. 9
261	Chas. Leaman	Sep. 18		35	5. 10
262	Henry V. Noyes	Oct. 4		44	5. 11
263	E. L. Simmonds	" "		33	6. 0.
264	C. F. Reid	Apr. 8		30	6. 0
265	M. J. Hillman	Mar. 25		49	5. 1½
267	C. H. McCaslin	Dec. 1		25	5. 6
268	Herbert Osborne	Oct. 11		37	5. 8
269	Louise Whitney	" 18		26	5. 2
270	John R. Jackson	" 22		36	5. 9
271	Anna C. Safford	Nov. 2		43	5. 4
272	Edw. H. Jousberry	Dec. 3		39	5. 9
245	J. L. Hammond	July 1		41	5. 10
277	John Murray	Aug. 17		34	5. 9
278	John Wherry	" 23		43	5. 10½
279	J. L. Nevius	" 28		51	5. 8.
280	F. M. Chapin	Oct. 25		27	6. 0½

Legation of the United States.
Peking, January 24th, 1881.

during the year ended Decemb. 31st 1880,

Eyes	Nose	Hair	Face	Complexion
grey	Roman	grey	oval	dark
dark	medium	"	round	"
grey	aquiline	brown	"	light
"	straight	grey	full	"
"	"	brown	"	"
hazel	long	"	long	florid
blue	medium	light	sharp	light
brown	straight	dark	medium	dark
grey	high	black	"	"
"	aquiline	"	oval	"
blue	straight	brown	"	light
"	small	dark	full	dark
"	straight	light	"	blonde
grey	small	brown	round	dark
blue	large	light	long	light
"	full	dark	thin	fair
"	large	brown	full	blonde
grey	roman	light	oval	light
blue	long	brown	full	florid
grey	straight	"	long	fair
blue	prom.	"	oval	"
grey	straight	dark	long	light

E. & O. E

James B. Angell.
United States Minister.

For the information of the Secretary

Confidential. (Not to be published)

No. 103. One Enclosure.

DEPARTMENT OF STATE
MAR 25 1881
RECEIVED

Legation of the United States.

Peking, January 25th, 1881.

James B. Angell to the Secretary of State.

PRINTED
FOREIGN RELATIONS
1881

Subject.

Lewchew question. Course of negotiations and their failure.

Synopsis.

The Japanese Minister has left Peking. Confidential statements written and verbal, of the reasons which induced him to take this step. Course of China in the negotiations with Mr. Shishido.

Confidential

No. 103. One Enclosure.

Legation of the United States,

Peking, January 25th, 1881.

Honorable William M. Evarts,

Secretary of State.

Sir:—

On the 19th instant, Mr. Shishido, the Japanese Minister, called to take his leave of me before his departure for home. He took the opportunity to have a very interesting confidential conversation with me concerning the proceedings of the Chinese Government which had rendered it necessary, in his opinion, for him to withdraw from this capital. He also left with me

(a

a written argument on the subject, which I enclose, This also was given to me confidentially. Mr. Shishido informed me that he was confiding this information to none of the other Foreign Ministers here, but that, as the negotiations might be said to have been begun at the suggestion of General Grant, he was desirous that this Legation should be advised of what had really happened,

The substance of his verbal statement was as follows.

General Grant after interviews with high officials both of China and of Japan recommended that the two nations should appoint Commissioners to adjust by treaty the difficulties which had arisen

concerning

concerning the Lew Chew Islands. China requested Japan to join with her in complying with this recommendation. Japan accordingly appointed Mr. Shishido, the Minister at Peking, as its High Commissioner, and the Foreign Office here informed him that Prince Kung and the Ministers of the Tsung-li-Yamen were appointed as the High Commissioners of China. Negotiations were begun and after three months' work a treaty was agreed on. On the 21st of October the Tsung-li-Yamen agreed to sign the treaty in ten days. At the expiration of the time they were not ready to sign, and on the 20th of November they announced to him that an Imperial decree

had

had been issued, referring the whole subject to the Northern and Southern Superintendents of Trade for consideration and report. He had waited until now in vain for any further progress on the part of the Chinese Government, and felt that it was due to his office and to his Government that he should withdraw from this Court and return to his own country. [Either the Chinese Ministers did not have full powers when they said they had at the outset of the negotiations, or else, having them, they had acted in bad faith in refusing to fulfill their promise to sign the treaty. In either case they had been guilty of trifling and deception.]

omit

(In

In answer to my inquiry, Mr. Shichido said he had not been formally recalled by his Government. I was therefore in error in the statement I made on that point in my N° 96. of January 17th, He added that his Government had left it to his discretion to determine whether and when he should leave Peking.

[I asked him if he had any objections to ~~indicate~~ what the main features of the treaty were. He replied that the treaty provided for a division of the Lew Chew Islands, giving to China the two Southern islands and the rest to Japan, and also for the concession to China of the same privileges of trade in Japan (which omit

which are now granted to other nations.

Mr. Shishido desired my opinion concerning his course in the negotiations and especially concerning his departure. I told him that I could not venture to say anything touching the main questions under consideration by China and Japan, but that assuredly if, in the recent negotiations of our Commission, the Chinese Commissioners had refused to sign our Treaties after they had agreed to sign them, I should have withdrawn from the capital.

Mr. Shishido informed me that the Secretary of Legation, Mr. Yanabe, who accompanied him on the visit, would be left in

Charge

charge of the Legation for the present.

The Argument, which Mr. Shishido left, goes over the ground, which he traversed in his interview with me, but presents his points with somewhat more precision and sharpness than characterized the verbal statement, at least as it reached me through his Interpreter, whose Knowledge of English is very limited. I have no reason to doubt its accuracy, though I have heard no counter-statement of the Tsung-li-Yamên. I know that some members of the Yamên have admitted that the subject was referred to the Superintendents of Trade. But the Foreign Office do not seem to be at all disturbed by the departure of the Japanese

Japanese Minister. The members speak of it rather jocosely. Whether in their elation at the escape from war with Russia they underrate the possible significance of this event, or whether having nothing further to fear from Russia they are now quite ready to meet the claim of Japan to the Lewchew Islands with a bold front, I will not undertake to decide. But certainly even if they have justice on their side in opposing the seizure of the Islands by Japan, they could not well contrive a better way to alienate the sympathy of all civilized nations from them in their assertion of their rights than by the course, which, if we accept the statement of Mr. Shishido, they have now seen fit to take in their

(negotiations

negotiations with Japan.

I have the honor to be,

Sir,

Your obedient servant.

James R. Angell.

Enclosure.

1. Copy of Mr. Shishido's Argument in the differences between China and Japan regarding the Lewchew Islands.

Despatch No. 103.
Enclosure.

Translation.

An argument in the differences between the two Governments (Japan and China) with a view to the preservation of peace and to avoid bloodshed.

Section I. Discusses the correspondence had between the two Governments.
Section II. Narrates the course of negotiations between the Envoys appointed, and
Section III. Shows that one Government has rejected its own propositions

The two Governments of Japan and China having appointed High Commissioners by mutual agreement to negotiate and close the Lew Chew question, and these High Commissioners having reached a point of agreement, it was not expected that China would make these negotiations ridiculous and thus render difficult a satisfactory adjustment of the question.

(According

According to the rules of International Law, when two Powers appoint Representatives for purposes of negotiation, such persons are to be provided with full powers, in order that the Representatives so appointed may be enabled, each for his own Government, in negotiation to represent fully the desire of the appointing Power. After the given negotiation has come to a satisfactory issue the Representatives are to affix their hands and seals as a witness to its validity. The appointment of Representatives without full Powers is not merely idle, but is abundantly calculated to develop a growth of mutual entanglements, and to promote hostile feeling.

If one Power appoints a Representative with full powers and the other Power appoints a Representative without such full powers, this other Power in so doing not only violates the provisions of International Law and treats discourteously the Representative of the other Government concerned,

but

but, having at the inception of ~~the~~ negotiations notified the other ~~the~~ Government that power to negotiate had been received, and then when negotiations had been successfully concluded to maintain that no ~~the~~ authority to <u>sign</u> had been given, this evasion, what is it, but an attempt to trifle with the other ~~the~~ Representative, and an insult to his Government?

If it be averted that the signatures can only be affixed after the receipt of a decree authorizing it, and that this is the rule of procedure, is not this course detrimental to the full powers of the Representative? For the universal practice is that the Representatives on either side having concluded their negotiations, affix their seals and signatures in witness and <u>thereafter</u> mutually ask the ratifications of their respective Governments in final ~~the~~ conclusion of the treaty made. It is not the practice in any Government

to

to seek the ratification of the Head of the Government prior to signing and sealing the treaty as concluded. For one Representative to delay signing and sealing the treaty until he has secured the ratification of his Government is to subject the other Representative to delay, and to force him to discard the authority given him. Thus the interests of one party alone are conserved, both are not alike regarded, and this is not in accord with International Law.

The appointment of Commissioners by the two Governments to discuss and settle this question was in accordance with the thought which originated with the ex-President of the United States (General Grant). General Grant in a letter to Prince Kung suggested "the appointment by a "mutual consent of High Commissioners "to discuss and conclude this question, etc." Can it be held that his idea was to appoint Representatives without full powers and thus to indulge in a great amount of useless discussion! That

China

China was not at the outset deceived as to the purport of this suggestion from General Grant is abundantly proved by what follows.

The proposition that the two Governments should act on this suggestion of General Grant came in the first instance from China. For upon the 14th December 1879, the Chinese Foreign Office began by addressing the Foreign Office of Japan in a despatch which declared that China desired to act upon the suggestion contained in General Grant's letter for the settlement of all questions involved. Thereafter, April 19th, 1880, the Chinese Foreign Office inquired what person would be appointed by my Government for the negotiations. Upon Meing Chih, 13th year, 6th moon, 29th day (Japanese) my Government appointed the Undersigned, being Japanese Minister at Peking, as its High Commissioner for the purposes above mentioned with full powers by an Imperial Decree, which was duly reported by the Japanese Foreign Office to the Chinese Foreign

Office

Office for its information. Thereafter, Ming Chih, 13th year, 7th moon, 26th day (Japanese) I again notified the Foreign Office here of my appointment and inquired what persons had been appointed and where our negotiations should be conducted.

August 5th, 1880, the Chinese Foreign Office informed the Japanese Foreign Office and me that an Imperial Decree had been received saying "Let the Prince "and the Ministers of the Yamen concerned "negotiate and settle the questions, etc. etc."

This carefulness on both sides shows clearly that the object of the appointment of Commissioners was as stated above to negotiate upon this business.

The High Commissioners having, in obedience to their several Edicts of appointment, discussed and debated matters for about three months, at last reached an agreement. October 10th, 1880, the Foreign Office wrote me saying.— "Our opinions upon the several points are in accord, etc. etc."

October 21st, 1880, the Ministers of the

Foreign

Foreign Office stated to me in conversation that in the treaty negotiations they had mentioned three matters. 1st A settlement of the Lewchew Question; 2nd An addition to the former treaty between the two powers; and 3rd, a modification of the form of ratification. These three matters were combined together. At the outset I opened the discussion upon these matters, and the Chinese Foreign Office agreed in the conclusions which were reached. The final draft of the treaty was written by the Tsung-li-Yamen, to which I had no objection. At that time it was understood that the treaty was to be signed and sealed within ten days. The Chinese Ministers informed me that after signing and sealing the treaty it would be necessary to ask for the ratification of the treaty in the matters of the settlement of the Lewchew question, and the addition to the former treaty. I estimated that three months must be allowed for the transmission of the treaty to Japan and the return of

(it

it as ratified, when the certificates of ratification might be exchanged at Peking. [The Ministers of the Chinese Foreign Office also desired to know at what time the two islands would be turned over to China. I reckoned that it should be done one month after the exchange of ratifications, or say February 1881, and a note was passed fixing this date for the delivery of the two islands. The Ministers of the Chinese Foreign Office further desired that the article in addition to the former treaties should go into effect one month after the two islands were turned over to China. I conceded and agreed to this also and the Ministers of the Foreign Office made a Minute of these items as settled in conversation and affixed it to the treaty.] Thus four sections in all were finished as completing the treaty, and the dates of exchange of ratifications and of putting the treaty into effect were all determined.

omit

After all this I was confident that

that the Yamên would sign and seal the treaty upon the day named, and I wrote to the Ministers three or four times urging them, but they delayed and gave me no answer. Much to my surprise, on the 20th December, 1880, I received a despatch from the Chinese Foreign Office stating that an Imperial Decree had been received in the following terms:- "Let the project for the settlement "of the Lewchew question as submitted to "Us by the Foreign Office, with all the "papers, be referred to the Northern "and Southern Superintendents of "Foreign Trade for reports. After their "reports have been received We will "issue Our further commands. Respect "this!"

Judging from the language of this despatch the authority to arrange the Lewchew matter did not rest with the Prince and Ministers of the Foreign Office alone, but the Northern and Southern Superintendents of Foreign Trade were also included. The Prince and Ministers had

(not

not the authority to deal with these questions; they had the full power to make a fair copy of the treaty, but not the authority to sign it.

At the outset China expressed her desire to act in accordance with the suggestion of General Grant and appointed High Commissioners to negotiate, but later she declared that the High Commissioners so appointed had not the authority alone to sign the result of their negotiations. At the outset she informed Japan that the Prince and Ministers of the Yamen should deal with these questions, but later she declared that the Northern and Southern Superintendents of Trade must consider these same questions and report to the Throne.

My Government accepted the suggestion of General Grant, and, in accordance with International Law clothed her High Commissioner with full power to dispose of the questions at issue,

But

But the other Government appointed Commissioners having no power, and opened up a useless discussion. [She omit made the most contradictory declarations, and befooled and made light of the negotiations. Under these circumstances how can I hope for a settlement of these questions.]

(signed) Shishido

Ack

made

No. 104.

Legation of the United States.

Peking, January 28th, 1881.

DEPARTMENT OF STATE
MAR 25 1881
RECEIVED

James B. Angell to the Secretary of State.

Subject.

Kuldja question settled.

Synopsis.

High Chinese officials state that the complication between Russia and China in regard to Kuldja have been satisfactorily disposed of. The terms of settlement have not been made public.

No. 104.

Legation of the United States.

Peking, January 28th, 1881.

Honorable William M. Evarts,

Secretary of State,

Sir:—

The members of the Foreign office are very free in saying informally and with evident satisfaction that the danger of war with Russia is over. The terms, upon which an adjustment of difficulties has been reached are not made known to us here. But it is understood on the authority of high officials that warned by the fate of his unhappy predecessor,

Chung

Chung How, the Marquis Tseng has prudently secured the approval by his Government of the important points in the treaty, as the negotiations have been going on. So that it is hardly possible that there should be any such complication now as arose in respect to the treaty of Livadia.

I have the honor to be,
Sir,
Your obedient servant.
James B. Angell

DEPARTMENT OF STATE
MAR 25 1881
RECEIVED

No. 105 One Enclosure.

Legation of the United States.

Peking, February 2nd, 1881.

James B. Angell to

the Secretary of State.

Subject.

Passport returns for 1880.

Synopsis.

Refers to despatch number 102. and forwards a duplicate statement.

No. 105. One Enclosure.

Legation of the United States.

Peking, February 2nd, 1881.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Referring to my despatch number 102., I have now the honor to transmit herewith a duplicate statement of the passports issued by this Legation during the year ended December 31st, 1880. 1/105.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell

Enclosure.

Enclosure.

1. Duplicate statement of passports issued in 1880.

Despatch No. 105.
Enclosure.

Passport statement.

1880.

Duplicate.

Abstract of passports issue

No.	Name	Date	State Country	Age	Height
255	Mat. T. Yates	Jan 13		61	6. 2½
256	B. C. Henry	" "		43	5. 11
257	O. C. Jansen	" 15		39	5. 9½
258	J. P. Knight	" 30		48	5. 10
259	C. A. Crane	Mar. 8		21	5. 10
260	N. C. Ledyard	July 12		29	5. 9
261	Chas. Seaman	Sep. 18		35	5. 10
262	Henry V. Noyes	Oct. 4		44	5. 11
263	E. L. Simmons	" 4		33	6. 0
264	C. T. Reid	Sep. 8		30	6. 0
265	M. G. Hillman	Mar. 25		49	5. 1½
267	C. N. McCaslin	Dec. 1		45	5. 6.
268	Herbert Osborne	Oct. 11		37	5. 8
269	Louise Whitney	" 18		26	5. 2
270	John B. Jackson	" 22		36	5. 9.
271	Anna C. Safford	Nov. 2		43	5. 4.
272	Ed. N. Jouchery	Dec. 3		39.	5. 9.
245	J. L. Hammond	July 1		41	5. 10
277	John Murray	Aug. 7		34	5. 9
278	John Wherry	Aug 23		43	5. 10½
279	J. L. Nevins	" 28		51	5. 8
281	F. M. Chapin	Oct. 25		27	6. 0½

Legation of the United States,
Peking, January 24th, 1881.

during the year ended December 31st, 1880.

Eyes	Nose	Hair	Face	Complexion
grey	Roman	grey	oval	dark
dark	medium	"	round	"
grey	aquiline	brown	"	light
"	straight	grey	full	"
"	"	brown	"	"
hazel	long	"	long	florid
blue	medium	light	sharp	light
brown	straight	dark	medium	dark
grey	high	black	"	"
"	aquiline	"	oval	"
blue	straight	brown	"	light
"	small	dark	full	dark
"	straight	light	"	blonde
grey	small	brown	round	dark
blue	large	light	long	light
"	full	dark	thin	fair
"	large	brown	full	blonde
grey	Roman	light	oval	light
blue	long	brown	full	florid
grey	straight	"	long	fair
blue	prom	"	oval	fair
grey	straight	dark	long	light

E. & O. E.

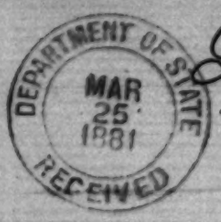
James B. Angell
United States Minister.

Forward letter C. P.

Made

Letter sent to Mr. DeLong
Cy. to C. G. Stebbins & Bros.
Se. 1. w. C. 1881
Mr. Cridler

No. 106.



Legation of the United States.
Peking, February 2nd, 1881.

James B. Angell to the Secretary of State.

Subject.

Letter for Mr. de Long.

Synopsis.

At the request of the German Minister forwards a sealed letter for Mr. de Long, late United States Consul at Foochow.

No. 106.

Legation of the United States.

Peking, February 2nd, 1881.

Honorable William M. Evarts.

Secretary of State.

Sir:—

At the request of my German colleague, Mr. von Brandt, I have the honor to enclose herewith a sealed letter addressed to Mr. Ale Lano late Consul of the United States at Foochow and also charged with the care of German interests at that port.

This letter, as Mr. von Brandt informs me, contains

contains an expression of the thanks of the Imperial Government for Hon. Mr. Lang's long and efficient representation of German interests at Foochow.

May I beg the Department to forward the letter enclosed to Hon. Mr. Lang.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell.

File

Mailed

No. 107.

Legation of the United States.

Peking, February 3rd, 1881.



James B. Angell to the Secretary of State.

Subject.

Telegram of August 5th, 1881.

Synopsis.

Refers to Department instruction number 48. and states that the correct version of the telegram was given in despatch number 79. the two words "Pethick declines" having been dropped in the course of transmission.

No. 107.

Legation of the United States.

Peking, February 3rd, 1881.

Honorable William M. Evarts.

Secretary of State.

Sir:-

Referring to your instruction number 48., and to my despatch number 79. in reply, I beg leave to inform you that I have now received from Mr. Consul General Fleming an answer to my request of him to ascertain in what form the telegram of August 5th was sent by the office in Shanghai.

He

He says:— "The office here
"sent your telegram just as I
"gave it to them, which is an
"exact copy of the one you say
"you retained."

That copy, you will
remember, contained the "
words:- "Pethick declines," which
did not reach you. It "
would seem that they "
must have been dropped by
some operator on the way.

I have the honor to be,
Sir,
Your obedient servant.
James R. Smyth.

acted. corresponding
his instructions
April 22nd 1881.
Mr. Cuister.

made

Confidential

No. 108. One Enclosure.



Legation of the United States.
Peking. February 3rd/4, 1881.

James B. Angell to
the Secretary of State.

Subject.

Treaty between China and Brazil.

Synopsis.

Forwards a translation of the Chinese text of this Treaty and asks the attention of the Department to two unfortunate concessions to the Chinese which are made in it.

Confidential.

No. 108. One Enclosure.

Legation of the United States.

Peking, February 3rd/4, 1881.

Honorable William M. Evarts.

Secretary of State.

Sir:-

I have the honor to send to you, herewith, a translation made by Mr. Secretary Holcombe, of the Treaty negotiated last summer and concluded in September between Brazil and China. This text has not been communicated to this Legation by the Brazilian Ministers, but I know that some of the other

other Legations as well as this are possessed of copies.

It will be seen that it is for the most part a pretty close copy of the last Treaty between Peru and China. The main object sought by the Brazilians as the two Ministers, whom I met at Lientsin, ~~while~~ while they were negotiating the Treaty, assured me, was the privilege of procuring Chinese laborers for the hot regions in some of the northern provinces of Brazil. The viceroy, Li Hung Chang, who was the Chinese Commissioner, cared very little

little whether any treaty was made, and was determined that, in no event should any privilege be granted which could lead to the abuses of the old coolie traffic. It is therefore not difficult to understand how the terms of the Treaty were apparently shaped in every particular to suit Li Hung Chang, and that two important concessions, found in no other treaty between western nations and China, were made by the Brazilians. There is nothing of special interest in the Treaty, except the two Articles containing these concessions.

They

They are the third and the tenth, and I beg leave to " direct your particular " attention to them. The last sentence of Article III. reads as follows:—

"If any Consular
"Officer administers his
"office in an improper
"manner his exequatur
"may be recalled in "
"accordance with the "
"provisions of International
"Law."

In the French text, which is made the authoritative version, the above reads, as I have reason to believe, though I have not seen it:—

"If

"If any Consular Officer
"administers his office
"in an illegal manner, etc"

Of course the Chinese Government will be the judge to decide whether the Brazilian Consular officer is guilty of the impropriety or illegality which forfeits his exequatur.

It is of interest to note that seventeen years ago Prince Kung took action which was tantamount to revoking the exequatur of the American Consul at Hankow. Mr. Burlingame at once stoutly denied his right to take such a step, arguing with force that it

it was in contravention of Article X. of the Treaty of 1858. Mr. Burlingame's views can be found in his despatch, number 72. of May 25th 1864. to the Department. Prince & Kung virtually acknowledged his mistake by retracing his step.

The compulsory recognition of our Consuls by the Chinese Government is an incident of the concession of exterritorial jurisdiction to us, and is clearly secured to us in the Article cited by Mr. Burlingame.

Article X. of the Brazilian

Brazilian Treaty concedes to the Chinese Authorities the right of search and arrest in Consular premises. That point has never before been yielded by a western Power.

These concessions are, I think, regretted by all the Representatives of foreign Powers here. A conversation which I had with one of the Brazilian Ministers left on me the impression that it was very doubtful if they could have secured a treaty without these concessions. He justified the action of himself and his colleague on the ground that there is not

not a Brazilian subject resident in this Empire and that there may not be for a century. The Chinese are, doubtless, gratified that in this Treaty they have made their first inroad on the exterritorial jurisdiction which the western Powers have secured and exercised.

I may add that Admiral da Gama has sailed for home, and that Señor Callado, after making a brief visit to Peking, decided to pass the winter in Shanghai where he now is. Whether he will take up his permanent residence here,

or

or, like the Italian Minister, reside at Shanghai and make occasional visits to the Capital, I am not informed.

Since the Treaty has not been formally communicated to us, I need hardly suggest the propriety of regarding this despatch as confidential. As soon as ratifications have been exchanged we shall of course receive a copy of the Treaty through the regular channel.

I have the honor to be,
Sir,
Your obedient servant.
James B. Angell.

Enclosure.

Enclosure.

1. Translation of Chinese text of the Treaty concluded between Brazil and China.

Despatch No. 108.
Enclosure.

Translation of the Chinese text of the Treaty concluded between Brazil and China.

Their Imperial Majesties the Emperors of China and Brazil being desirous to secure the advantages of a firm and lasting friendship, and the protection of the rights and interests of their respective countries, have determined to establish a Treaty of amity and commercial intercourse.

For this purpose His Imperial Majesty, the Emperor of China, has appointed His Excellency Li-Hung-Chang as His Commissioner Plenipotentiary; and His Imperial Majesty, the Emperor of Brazil has appointed His Excellency Senor E. Callado, and His Excellency Senor A. Silveira da Mota. as His Commissioners Plenipotentiary; and the said Commissioners Plenipotentiary having

having communicated to each other their respective full powers, and having found the same to be in due and proper form, have agreed upon and determined the following articles.

Article I. There shall be henceforward perpetual peace and friendship between the Governments of China and Brazil and their respective subjects. The subjects of either Government shall be at liberty of their own free will and accord to proceed to and reside within the territory of the other where they shall enjoy full security and protection for their persons and property, and shall be accorded all the rights, privileges, immunities and exemptions which are accorded to the citizens or subjects of other Powers.

Article II. His Majesty, the Emperor of China may appoint

(a

a Diplomatic Agent to reside at the Capital of Brazil; and His Imperial Majesty the Emperor of Brazil, may in like manner, appoint a Diplomatic Agent to reside at the Capital of China. And Their respective Diplomatic Agents thus appointed may visit the Capitals to which they are respectively accredited, with their families and suites, either for the purpose of permanent residence or a temporary visit, at the option of their respective Governments. The Diplomatic Agents shall, at their respective residences enjoy without discrimination all the privileges and immunities of every sort and kind which are accorded to the Representatives of the most favored nation.

Article III. The two Governments may, if it suit their convenience, each appoint Consuls General, Consuls, Vice Consuls, and Deputy Consuls at the ports within the territory of the

the other Government which are open to foreign trade. But officials of this class must be duly commissioned by the Government from which they come and granted exequatur by the Government to which they are accredited in order that they may be authorized to perform their official duties. Consular officers thus appointed must be actual officials, and merchants cannot be appointed to such duties, nor shall Consular officers be allowed to engage in mercantile pursuits. At any port to which a Consul has not been appointed, the Consular Officer of another Power may be requested to perform the duties, or they may be entrusted under the terms of this Treaty to the local authorities of the port, but these duties may not be entrusted to a merchant.

The Consular officers of either Government shall enjoy without discrimination all the privileges and

(immunities

immunities of every sort and kind which are accorded to the Consular officers of the most favored nation.

In disputes arising between the merchants at any port and the natives of the locality, Consular Officers shall not be allowed arbitrarily to dictate terms of settlement. If any Consular Officer administers his office in an improper manner his exequatur may be recalled in accordance with the provisions of International Law.

Article IV. Chinese subjects within the territory of Brazil who conduct themselves with propriety and do not violate the statutes or regulations of Brazil shall be allowed to travel to all parts of the Empire as they may choose. Brazilian subjects are also authorized to travel in the interior of China at pleasure under passports good for a limited period of time which must be issued by their Consuls, and countersealed by the

(Intendent

Intendant of Customs.

Passports will be issued in the Chinese and Brazilian languages and must be produced for examination, if called for, in the localities passed through. No opposition will be offered to the bearer of such passport hiring persons, boats, or carriages, for the transportation of his baggage. If the passport be irregular, or if the holder of it commit any offence against the law upon his journey he shall be handed over to the nearest Consul for punishment, but he must not be subject to any ill usage in excess of necessary restraint. No passports need be taken out for persons traveling in the interior to a distance not exceeding 100 li from a port open to foreign trade and for a period not exceeding 5 days.

Ships crews are not included within the provisions of this article for the due restraint of whom rules on shore suitable regulations will be drawn up by the Consul and the local authorities

authorities.

Article V. Chinese subjects shall be permitted to frequent all the ports and places in Brazil to which the citizens or subjects of other Powers are allowed to go, and to transport merchandize thither and to engage in trade; and Brazilian subjects shall be permitted to frequent all the ports in China open to the citizens or subjects of other Powers, to transport merchandise thither and to engage in trade.

And if hereafter either of the High Contracting Powers shall grant any privileges, rights, or advantages, to other Governments, such privileges, rights, or advantages shall inure to the benefit of the other High Contracting Power, only upon its acceptance of and compliance with all such conditions, stipulations, or concessions under which such privileges, rights, or advantages have been granted to

(the

the other Government concerned,

Article VI. Merchants and merchant ships of either nation in the ports of the other Nation which are open to foreign trade shall comply with all the earlier and later treaty stipulations and rules for the regulation of trade made between that nation and other foreign Powers, but they can in no case be called upon to pay other or higher import or export duties or dues than those required of the citizens or subjects of the most favored nation.

Article VII. The ships of war of each country respectively shall be at liberty to visit all the ports within the territories of the other, without discrimination, to which the ships of war of the most favored nation are permitted to come. They shall enjoy every facility and meet with no obstacle in procuring provisions, coal, procuring water and making necessary repairs. Such ships either

(upon

upon entering or leaving port shall not be liable to the payment of duties of any kind.

The officers of Brazilian ships of war shall deal with the Chinese local authorities upon terms of equality.

Article VIII. The merchant vessels of either country being permitted to engage in commerce at all the ports of the other country which are open to foreign trade; and being accorded, without discrimination, the same treatment which is granted to the merchant vessels of other nations, if the merchant vessels of either Power are compelled from any accident to seek a refuge in the ports of the other Power, the local authorities of the place will devise measures for the protection of such vessel. Any portion of the cargo which may be saved will not be liable to duties unless it be sold. Wrecked merchants vessels of either Power within the territory of the

other

other, will be treated as the vessels of other nations are treated.

Article IX. Brazilian subjects in China having reason to complain of a Chinese shall first proceed to their Consular Officer and state to him their grievance. The Consul will investigate the case and endeavor to arrange it amicably. In like manner if a Chinese have reason to complain of a Brazilian subject in China, the Consul shall listen to his complaint and endeavour to come to a friendly arrangement. In cases where an amicable composition of complaints is impossible, whether the complainant be a Chinese or a Brazilian subject, the case shall be tried and decided according to justice by the proper officer of the defendant's nationality.

Article X. Chinese subjects guilty of a criminal action towards

(Brazilian

Brazilian subjects in China shall be arrested and punished by the Chinese Authorities according to Chinese law.

Brazilian subjects in China who may commit crime against Chinese subjects shall be arrested and punished according to the laws of Brazil by the Brazilian Consular officers.

In general all civil or criminal actions in which the subjects of the two Powers are concerned shall be heard and determined by the proper officer of the defendant's nationality, according to the laws of that nation. In the case of thefts and absconding debtors the officers of the two Governments will make arrests of the guilty parties and seek restitution, but neither Government will hold itself responsible in such cases.

Chinese subjects accused as principals or accessories of offenses against law may be sought for and arrested

arrested by the Constables deputed by the Chinese Authorities in order for trial whether such persons are in the Brazilian Consular premises, or in the residences, mercantile establishments, or merchant ships of Brazilian subjects. Such persons in the Brazilian Legation shall not be included in this rule.

Article XI. All questions in regard to rights, whether of person or property, arising between Brazilian subjects in China shall be subject to the jurisdiction of the Brazilian Authorities. Similar questions arising between Brazilian subjects and the citizens or subjects of other Powers in China shall be dealt with by the Consular Officers of the two Powers Concerned. In case Chinese subjects are parties to the case at issue they shall be dealt with in accordance with the stipulations of the foregoing two Articles.

In

In case either Chinese or Brazilian subjects concerned object to the decision in any case dealt with in accordance with the terms of Articles 8. 9. and 10. of this Treaty, the proper officer of the plaintiff's nationality may address the corresponding officer of the defendant's nationality for a new hearing of the case in the interests of justice.

Should the Government of China hereafter conclude a code of international legal procedure with the Governments of the several Powers, the Government of Brazil will conform to it.

6

Article XII. In case the crews of merchant ships of either Government while in the ports of the other create disturbances on shore, they shall be dealt with according to the Statutes of their Governments respectively.

In cases of collision between Brazilian ships and Chinese craft, either on the coast of China, or within the open ports, which result in litigation,

(such

such cases shall be tried and determined by the proper officer of the defendants' nationality in accordance with the Regulations provided by the Foreign Powers for cases of collision. If the judgment rendered fail to give satisfaction the plaintiff's officer may apply for a new trial to the officer who decided the case in order that it may be justly settled.

If ships or cargoes are plunded while in port, the local authorities will make every effort to arrest the guilty parties and recover the stolen property, but not be held responsible for restitution

Article XIII Chinese subjects in Brazil shall have free access to the Courts of Brazil for the protection of their rights; they shall enjoy in this respect without discrimination, the same rights and privileges as Brazilian subjects and as the citizens or subjects of the most

favored

favored nation.

Article XIV. The foregoing Treaty is written in the Chinese, Brazilian, and French languages, being made in four copies of each of even sense and signification throughout. While each Government may hereafter make use of its own text, in case of a difference of interpretation, the French text shall be held and considered to be correct.

Article XV. If in future the High Contracting Parties desire a modification of any stipulation contained in this Treaty, they shall be at liberty after the lapse of ten years from the date of the exchange of the ratifications of this Treaty to open negotiations to that effect. Six months before the expiration of the ten years either of the Contracting Powers may notify the other that modifications of the Treaty are desired and in what these consist.

If

If no such notification be given, this Treaty will remain in force.

Article XVI. This Treaty in its several articles as given above is this day signed and sealed by the respective Commissioners Plenipotentiary of the High Contracting Powers.

After the ratifications by the High Contracting Powers have been exchanged at Shanghai or Tientsin, the provisions of the Treaty shall be promulgated for the information and guidance of the officers and people of the two Governments.

Done at Tientsin
September. 1880.

Acks approved Apr. 18, 1881 M. Crosby

Ack & approve C. P.

made

No. 109. Two Enclosures.

Legation of the United States.

Peking, February 9th, 1881.

DEPARTMENT OF STATE APR 14 1881 RECEIVED

James B. Angell to

the Secretary of State.

PRINTED FOREIGN RELATIONS 1881

Subject.

Death of Shen Kuei-fen.

Synopsis.

Reports the death of this distinguished Chinese statesman, and comments on his ability and character. Correspondence with Prince Kung upon the subject.

No. 109. Two Enclosures.

Legation of the United States.

Peking, February 9th, 1881.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have to announce to you that His Excellency Shen Kuei-fen, Assistant Grand Secretary of State, President of the Board of War, and, after Prince Kung, the leading member of the Foreign Office, died after a brief illness, on January 29th. I enclose the Imperial decree, a copy of which was communicated to me 1/109

me by Prince Kung, which
sets forth his merits and "
shows the esteem in which
he was held by the "
2/109. Government, and a copy
of my response.

He belonged to the
party which is least "
unfriendly to foreigners and
to foreign ideas though he was
too cautious or too timid to
be very demonstrative. He
brought a most amiable temper
to all negotiations, but, when
occasion required, was "
master of those "arts of delay"
which characterize Chinese
diplomacy.

In the negotiation

of

of the recent Treaties with the Commission Plenipotentiary the deceased Minister took a much more active part than the Chinese Commissioners who were especially appointed. It seemed to be largely due to his desire to expedite the work that we were able to complete it in so short a time.

It will be fortunate for China and for foreign Powers if a man as well disposed to foreign nations succeeds to Shen Kuei-fen's position of influence in the Tsung li Yamen.

I have the honor to be,

Sir,

Sir,

Your obedient servant.

James R. Inglis

Enclosures.

1. Prince Kung to Hon. Angell 7/1881. February 7th, 1881.
2. Hon. Angell in response 8/1881. February 9th, 1881.

Despatch No. 109.
Enclosure 1.

7/1881.

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication.

Upon the 1st instant, I was honored by the receipt of an Edict from His Imperial Majesty, in terms as follows:—

" Shen-Kwei-fen, late Assistant Grand Secretary of State and President of the Board of War, a man of pure heart, cautious in his disposition, a loyal statesman, of sedulous habits, tried ability, an upright nature, respectful and attentive to his duties, commenced his career as a Han Lin (Member of the Imperial Academy) and gradually rose to the distinction of Sub-Director of one of the Lower Courts. He was then made one of the High Provincial officers. In the reign of Our Predecessor, Tung Chih, he was chosen to be one of the Councellors in the Grand Council and was subsequently made President of one of the Boards. After Our accession to the Throne relying greatly

(on

on his integrity and ability, We raised him to the rank of Assistant Grand Secretary of State. In the management of all State affairs he always exerted himself with his whole mind and strength, and when wearied and exhausted did not seek to be excused. Recently because he had met with a slight ailment We granted him leave to nurse his health, but the unexpected intelligence of his death which has now reached Us, has smitten Us with profound grief. Let there be given him a "Ze Le Ching pei"*. Let the Pei Le (Prince of the 3rd rank) Tsai Yi, conduct ten officers of the Imperial Guard and forthwith proceed to his house to offer a libation; and as an addition of Our favor, let there be conferred upon him the posthumous title of Grand Tutor of the Heir apparent, and let the same honors be done to his memory as if he were a Grand Secretary of State. Let his

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* A kind of silken pall with Buddhist prayers inscribed upon it

tablet be placed in the Hsien Liang tzŭ.* Let all his shortcomings during his official career be blotted out and forgotten. Let a grant of 200 taels from the Imperial Treasury be made towards defraying his funeral expenses. Let the proper Yamen study the regulations for honoring the dead and memorialize as to what is due to his memory, and when the deceased officer's body is being conveyed to his birthplace, let the authorities on the road, do what the circumstances may require. Let the degree of Chü Jen (Provincial Graduate) be bestowed upon his son Shen wen t'ao, and let him be accorded the same privilege of competing at the Metropolitan examinations which belongs to that class of students. Let his grandson, Shen hsi-kuei, born with hereditary distinction of the first rank be granted the position of Senior Secretary of a Board.

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* The Hsien liang tzŭ are Government buildings in which the tablets inscribed with the names and titles of meritorious officers are placed after their death and before which the district officers offer sacrifices in the Spring and Autumn.

The foregoing Edict is made known as a proof of the high estimation in which the deceased officer's virtues, and abilities were held by Us."

"Respect this"!

It becomes my duty to transmit a copy of this Edict for the information of Y. E.

H. E. James B. Angell,
etc. etc. etc.

Peking. February 9th, 1881.

Despatch No. 109.
Enclosure 2.

Mr. Angell to Prince Kung.

8/1881. February 9th, 1881.

Y. I. H.

I have the honor to acknowledge the receipt this morning of Y. I. H. communication of the 7th instant enclosing an Edict from His Imperial Majesty concerning the death of H.E. Chen Kuei fen Assistant Grand Secretary of State, and President of the Board of War.

I desire to express to you my high appreciation of his signal merits and my sincere sorrow at his decease. In my brief acquaintance with him, I was much impressed with his ready grasp of all subjects brought before him, his perfect mastery of details, his singularly retentive memory, and the courteous and amiable spirit which he evinced

in

in the most earnest discussions. The Empire may well mourn the loss, while in the full & vigor of his intellectual strength, of one who has performed so many eminent public services, who was so wise a counsellor to His Imperial Majesty, and who was so esteemed by all the & Representatives of foreign Powers.

I shall communicate the Edict of His Imperial Majesty to my Government, who will with deep regret receive the sad tidings of the decease of the distinguished statesman whose name has become so well known to them.

I have &c

(Signed) James B. Angell.

Ackes. approves. apr. 18, 1881. Mr. Cutler

Ask & approve C.F.

made.

No. 110. Two Enclosures.

Legation of the United States.

Peking, February 11th, 1881.

DEPARTMENT APR 14 1881 RECEIVED

James B. Angell to the Secretary of State.

Subject.

Consular agent at Chefoo.

Synopsis.

During Mr. Eckford's absence Mr. Angell has, at Mr. Consul Shanghai's request, issued a Commission to Mr. Cornabé, until the wishes of the Department can be made known.

No. 110. Two Enclosures.

Legation of the United States.

Peking, February 11th, 1881.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Mr. A. M. Eckford a United States Consular Agent at Chefoo having left his post, I have been requested by Mr. Consul Mangum of Tientsin to confirm his nomination of Mr. William A. Conrahé to fill the vacancy thus created in order that he may be empowered to act, should occasion require, before the

the pleasure of the Department in the premises can be made known.

I have complied with Mr. Inanguma's request, and beg
1/110. leave to forward herewith a copy of his despatch and of
2/110 the Commission which I have issued to Mr. Cornabé.

I have the honor to be,

Sir,

Your obedient servant.

James R. Swett

Enclosures.

1. Mr. Inanguma to Mr. Angell No. 7. February 8th, 1881.
2. Copy of Mr. Cornabé's Commission.

Despatch No. 110.
Enclosure 1.

Mr. Haugen to Mr. Angell

No. 7. February 8th, 1881.

Sir:-

I have the honor to inform you that Mr. Eckford, United States Consular Agent at Chefoo, has advised me of his intended temporary absence from his agency and that he has desired Mr. William A. Cornabé to act for him during his absence.

I have complied with this request and have so notified the Department of State. In case he may have to act prior to the receipt of any intelligence from the Department, I will thank you to confirm this nomination temporarily and procure for him the exequatur in

conformity

conformity to Section 49. of the Consular Regulations of 1874.

I am &c

(Signed) Willis P. Maugum
U.S. Consul

Despatch No. 110.
Enclosure 2.

Know all men by these presents, That, reposing special trust and confidence in the fidelity and ability of H. A. Cormabé, I do now, by virtue of the authority vested in me as Envoy Extraordinary and Minister Plenipotentiary of the United States of America in China, appoint the said H. A. Cormabé to be Consular Agent of the United States at the port of Chefoo for the time being, and do hereby authorize him to perform the duties and receive the emoluments belonging to that office until the pleasure of the Honorable Secretary of State can be made known.

In witness whereof, I have subscribed my name and

and caused the seal of this Legation to be affixed hereto this tenth day of February 1881, and the 105th year of the independence of the United States of America.

(Signed) James B. Angell

(Seal.)

By the Minister

(Signed) Chester Holcombe

Secretary of Legation

Washington. February 12, 1881.

Honorable William M. Evarts,

Secretary of State.

Sir:

I have the honor to call your attention to the fact that during my incumbency at Pekin, the amounts expended for incidental expenses of the Legation exceeded the allowances by the sum of $872.34, as set forth in the accompanying memorandum.

You will find upon examining the accounts sent forward from Pekin that the incidental Expenditures there embrace some items which do not occur in the accounts of other Legations. There are, notably, expenses for couriers and messengers, and for Chinese secretaries. You will find also upon examination of the incidental expenses accounts of the Legations generally that the allowances at Pekin have been uniformly small, notwithstanding the fact that unusual outlays must be made there.

The Expenses for couriers and messengers have been

been incurred by reason of the fact that until lately there have been no postal facilities at Peking. That matter for the capital was sent from Shanghae to Tientsin by private steamers, and from there to Peking. Eighty miles of land journey, by the hands of private messengers, paid for by the Legations concerned, jointly or severally as seemed most convenient and Economical, Lately an expensive local post office has been established, and has been used for our mails, not as being less expensive, but as more certain. You will see that the last Legation has been put to expenses in this way, which are not met elsewhere,

The expenses for a Chinese writer have been incurred because such an assistant is absolutely indispensable. There is no interpreter in China who can write out in due time a letter in the Chinese language, and very few who can translate from the Chinese without the assistance of a native. The need of such persons was long ago recognized by the Department. So far as the Consulates are concerned, to each of which an appropriate allowance is made,

I respectfully ask, therefore, that payment

Mr. of Her name stated. 872. 24 be authorized.

I have the honor to be

Sir!

Your obedient Servant

Geo. F. Seward

Memorandum

For the year ended June 30th 1877. the excess of the expenditures at Peking for incidental Expenses, over allowances was $327.77

For the year ended June 30th 1878 (including an item of £180 for salary of the Chinese writer), the excess was 312,83

For the year ended June 30th 1879 the Excess was 190,56

For the year ended June 30th 1880, (an increased allowance having been made) the Excess was, 41,18 x

$872,34

(Full statements of these accounts and vouchers are on file in the Department.)

Yungi Y. Woods
late Minister at Peking.

x Allowed, other items $41.18 disallowed
Auditor informed Feby 23. 1881.

Acts

File

Made

No. 111.

Legation of the United States.

Peking, February 12th, 1881.

DEPARTMENT OF STATE
APR 14 1881
RECEIVED

James B. Angell to the Secretary of State.

Subject.

New years call at the Foreign Office.

Synopsis.

Made by the diplomatic corps on the 8th instant. Met about forty officials besides the members of the Yamen.

No. 111.

Legation of the United States.

Peking, February 12th, 1881.

Honorable William M. Evarts.

Secretary of State.

Sir:—

On the 8th instant at 2 p. m. the Diplomatic Corps made their New Years call upon the Tsung li Yamen. We met, in addition to the members of the Foreign Office, about forty high officials, civil and military. We were very cordially received and in rather an informal manner. There was no formal address upon

upon either side, but there was a good deal of pleasant conversation.

No progress has yet been made by the Ministers who have attempted to gain access for social purposes to the houses of Chinese officials. Some of the foreign Representatives have been inclined to drop the exchange of New Years' calls with the Members of the Yamen. But it is to be hoped that the custom will be continued. It is a step in the right direction.

I have the honor to be,
Sir, Your obedient servant.

James B. Angell.

File

No. 112.



Legation of the United States.
Peking, February 12th, 1881.

James B. Angell to
the Secretary of State.

Subject.

Receipt of instructions.

Synopsis.

Department instructions numbers 54 and 55 have been received.

No. 112.

Legation of the United States.

Peking, February 12th, 1881.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honor to acknowledge the receipt of your instructions numbers 54. and 55.

I have the honor to be,

Sir,

Your obedient servant.

James R. Angell

Ack, expressing regret at the loss of an esteemed and valuable officer. Dft. do. April 21, 1881. Mr. Cridler

Ack

Copy to Mr. Hoffman, Asst. Sec. of Treasury, April 7.8. 1881.

No. 113.

One Enclosure.

Legation of the United States.

Peking, February 15th, 1881.

APR 14 1881 DEPARTMENT OF STATE RECEIVED

James B. Angell to the Secretary of State.

Subject.

Death of Hon. Consul Krangum.

Synopsis.

Reports Hon. Krangum's death at Tientsin on the 11th instant. Speaks of his long service and his fidelity. Hon. vice Consul Charles L. Fisher has been authorized to take charge of the Consulate.

No. 113. One Enclosure.

Legation of the United States.

Peking, February 15th, 1881.

Honorable William M. Evarts.

Secretary of State.

Sir:—

It is my sad duty to inform you that Mr. Willie P. Mangum, United States Consul at Tientsin, died at his residence in that city on the morning of the 11th instant.

Mr. Mangum had been in declining health for several months. He and his friends had cherished the hope that his removal from Nagasaki

to

to the bracing air of Tientsin might prove beneficial to him. But the expectation was not realized. If he experienced any benefit from the change it was but temporary. During most of his residence at Tientsin he has been obliged to confide the discharge of his official duties largely to the Vice Consul. His strength slowly wasted, and in full possession of his faculties to the last, he passed tranquilly away.

Mr. Brangum had been longer in continuous official service in the East than any other Consular or Diplomatic officer

officer now resident in
China or Japan. He began
his Consular career at
Ningpo where he remained
from 1861 to 1865. He was
called thence to Shanghai
to be Acting Consul General
during the absence of Mr.
Lenard. He has been
several years Consul at
Nagasaki and came thence
to Tientsin in August last.
How excellent a record he has
made, with what fidelity and
intelligence he has discharged
his duties at every post, how
loyally he stood by the flag
in spite of the defection of
his state, North Carolina, is
well

well known to the Department. But it may not be so well known at Washington as it is here how thoroughly, as a man and as a Consul, he has commanded the respect and esteem of all in the East who, in his long & official career, have had the opportunity to see and know him.

Omit. Mr. Charles L. Fisher the Vice Consul, having duly executed his official bond, has taken charge of the Consulate under a Commission granted by me, and has received his exequatur.

1113.

I have the honor to be,

Sir

Sir.
Your obedient servant.
James R. Boyle

Enclosure.

1. Copy of Commission issued to Charles L. Fisher.

Dispatch No. 113.

Enclosure.

Know all men by these presents:—
That, reposing special trust and confidence in the fidelity and ability of Charles L. Fisher, I do now, by virtue of the authority vested in me as Envoy Extraordinary and Minister Plenipotentiary of the United States of America in China, appoint the said Charles L. Fisher to be Vice Consul of the United States at the port of Tientsin for the time being, and do hereby authorize him to perform the duties and receive the emoluments belonging to that office until the pleasure of the honorable Secretary of State can be made known.

In witness whereof I have subscribed my name and caused the seal of this Legation to be affixed hereto, this fourteenth day of February, A.D. 1881., and the 105th year of the independence of the United States of America.

Envoy Extraordinary and Minister Plenipotentiary
By the Minister. (Signed) James B. Angell
Chester Holcombe
Secretary of Legation.

No. 114.



Legation of the United States.
Peking. February 18th, 1881.

James B. Angell to
the Secretary of State.

Subject.

Ward and Keojeo claims.

Synopsis.

Reports another unsatisfactory interview with the Foreign Office upon these claims, and expresses the conviction that our Government should now speak in more positive language regarding them, as the dignity and influence of the

the Government is at stake.

No. 114.

Legation of the United States.

Peking, February 18th, 1881.

Honorable William M. Evarts.

Secretary of State.

Sir:—

In my despatch number 100. I communicated the paper of Prince Kung, which was in substance a refusal to pay the Ward claims and the Keojeou claim as they have been presented by our Government.

Since that paper from the Prince was received, Shen, who had been conspicuous among

among the Ministers in raising objections to the payment of the claims, has died. It seemed to me wise to ascertain whether, now that he is gone, the matter could receive more favorable consideration from the Tsung li Yamen as at present constituted.

Accordingly on the 13th instant, after transacting some other business which had called me to the Foreign Office, I directed the attention of the Ministers to the claims. I told them that their reply to our demand, I was sure, would be so utterly unsatisfactory to our Government

Government that I desired again to ask them to give the matter fresh consideration so that, if possible, this cause of irritation, which had so long been suffered by them to exist, might be removed. The injustice of their position was pressed upon them in a somewhat prolonged conversation, and they were earnestly warned that if the relations of the two Governments were disturbed in the future by their persistent refusal of these just claims, on them must rest the responsibility.

They indulged in some of

of their customary commonplaces about the difficultty of settling such old questions, the loss of essential papers, and so forth, but gave no assurances of any purpose to modify the action taken.

I beg leave to say most earnestly to the Department that I think this discussion has been suffered to drag on in this unsatisfactory way quite long enough. Not only is justice denied to deserving claimants, but it has become a question whether the dignity and influence of our Government are not suffering by

by a too patient tolerance of this delay or refusal of the Chinese Government to pay just debts to our citizens. I shall be agreeably disappointed if these claims are paid until our Government in some way causes it to be understood by the Chinese Foreign Office that our patience is exhausted and that a settlement must be had. I shall be equally surprised if, when our Government does in some proper way impress them with this idea, they are not promptly paid. Beyond a doubt the Chinese

Government

Government will get the money if they pay these debts, from the heirs of Looo and Takee who incurred them in behalf of the Government. The heirs are abundantly able to meet such a demand.

I fear allow such claims as these to be refused on the grounds advanced by the Chinese Ministers we may well consider whether we have not diminished our chances of securing justice to our citizens in the future.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell.

File

No. 115.



Legation of the United States.
Peking, February 21st, 1881.

James B. Angell
to
the Secretary of State.

Subject.
Receipt of instructions.

Synopsis.
Instruction number 56, and
Circular Nos. 1. of December 20th
have been received.

No. 115.

Legation of the United States.

Peking, February 21st, 1881.

Honorable William M. Evarts

Secretary of State.

Sir:—

I have the honor to acknowledge the receipt of your instructions number 56. and number 1. (circular) the latter asking for a list of signal letters by which the merchant vessels of China are distinguished.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell.

No 116. One Enclosure

Legation of the United States.

Peking, February 21st, 1881.

DEPARTMENT OF STATE
APR 27 1881
RECEIVED

James B. Angell to the Secretary of State.

Subject.

Voucher "I" of despatch No. 84.

Synopsis.

Forwards two copies of this voucher, which has just been received from Shanghai.

No. 116. One Enclosure.

Legation of the United States.

Peking, February 21st, 1881.

Honorable William M. Evarts,

Secretary of State.

Sir:—

Recurring to my despatch number 84. covering a statement of the incidental expense account of this Legation for the quarter ended December 31st 1880., and more particularly to a foot note to that statement explaining the absence of "voucher No. 1,

I have the honor to enclose two copies of the missing voucher which has this moment

1/116

moment been received from Shanghai.

I have the honor to be,
Sir,
Your obedient servant.
James R. Doyle.

Enclosure.

1. Two copies of voucher "A." of enclosure to despatch number 84.

Original

S

Account No. 579 Shanghai, 1st January 1880.

M. U. S. Legation, Peking.

Dr. to "North-China Herald."

	Taels	c.
Subscription for ___ Cop ___ "N.-C. Daily News,"		
From ___ to ___		
Postages to ___		
Subscription for 1 Cop of "N.-C. Herald,"		
From 1st Jany to 31 Decr	12	—
Postages to ___ = $	17	13

Received Payment, for Proprietor,

James Richmond

Dupl

S

Account No. 549 Shanghai, 1st January 1880.

M. H. I. Legation, Pekin.

Dr. to "North-China Herald."

	Taels	c.
Subscription for ___ Copy "N.-C. Daily News,"		
From ___ to ___		
Postages to ___		
Subscription for 1 Copy "N.-C. Herald,"		
From 1st Jany to 31st Decr	12	—
Postages to — $	1	13

Received Payment, for Proprietor,

Janet Richards

Right

S

Account No. 317 Shanghai, 1st January 1880.

M. U. S. Legation. Peking

Dr. to "North-China Herald."

	Tuels	c.
Subscription for 1 Cop of "N.-C. Daily News,"		
From 1st Jany to 31st Decr	24	
Postages to	= $34	27
Subscription for ___ Cop ___ "N.-C. Herald,"		
From ___ to ___		
Postages to ___		

Received Payment, for Proprietor,

Ernest Richmond

Dupl

S

Account No. 347 Shanghai, 1st January 1880.

M. U. S. Legation, Pekin

Dr. to "North-China Herald."

	Taels	c.
Subscription for 1 Copy "N.-C. Daily News,"		
From 1st Jany to 31st Decr	24	
Postages to	= $34	27
Subscription for ___ Copy "N.-C. Herald,"		
From ___ to ___		
Postages to ___		

Received Payment, for Proprietor,

Ernest Richmond

Rcbed. & approved May 10, 1881 Wm Cribb

Approve C. P.

Made

No. 117. Two Enclosures.

Legation of the United States.

Peking. February 25th, 1881.

DEPARTMENT OF STATE APR 27 1881 RECEIVED

James B. Angell to the Secretary of State.

Subject.

Collision case at Newchwang.

Synopsis.

Reports the details of the case which has come to the Legation on appeal from Newchwang, and the action taken by Mr. Angell.

No. 117. Two Enclosures.

Legation of the United States.

Peking. February 23rd, 1881.

Honorable William M. Evarts.

Secretary of State.

Sir:-

On the 26th of December last I received a despatch from Mr. Vice Consul Bandinel of Newchwang, a copy of which I enclose, describing a collision which occurred off that port on the 3rd of October last at an early hour, between the pilot boat "George F. Seward," owned by an American citizen, Mr. A. R. Smith, and a junk from 1/117

from Lientsin, called the Li Ling Yi. Accompanying the despatch were 6 enclosures comprising the affidavits of the officers and crew of the pilot boat, correspondence between the Vice Consul and the Customs Taotai, Hsü Chang, a full report of the trial before deputies of the Taotai of a suit brought by Mr. Smith against the master and owners of the junk to recover $1.900 damages, the decision rendered by the Taotai that each vessel should repair its own damages, and an appeal by Mr. Smith to the Legation for aid in securing him justice which he

he thought had been denied him.

The substantial facts, as appeared from the evidence are, briefly stated, as follows.

The pilot boat was cruising outside the light ship for vessels. The wind freshened a little before four o'clock a. m. and the captain decided to reef the mainsail. He brought the boat up head to the wind for the purpose, and while she was hove to and the men were reefing suddenly a junk bore down upon her carrying both foresail and mainsail, but showing no light. The junk was so near before she

was

was visible that the pilot boat could not escape. A collision ensued in which the bowsprit of the pilot boat penetrated the junk and was broken off, and the pilot boat was badly shattered. Both vessels ran into Newchwang, and Mr. Smith had his vessel at once surveyed by two experts, who estimated that $1,900 would be necessary to repair her. He immediately brought an action in the Taotai's Court.

The Taotai in his decision gave the opinion that the pilot boat must have been moving with

with some speed in the track of vessels and so was to blame, and also found that, as the junk had no light in sight, she was to blame. He therefore declined to award Mr. Smith damages.

On examining the evidence I was brought to the conclusion that the junk should have been held responsible for the collision. My reasons are briefly given in the communication which I sent to Prince Kung in the case. I enclose a copy. 2/117.

I am now in receipt of a reply from the Prince. It is chiefly a transcript of my

my despatch to him. It closes with the statement that, as the Prince and Ministers would find difficulty in coming to a decision in the premises, he has directed the Northern Superintendent of Trade, (the viceroy, Li Hung Chang) to instruct the Taotai to hear and decide the case justly.

The Prince also encloses the report which the Northern Superintendent made in forwarding the report, which the Taotai had sent to him of the case. The Taotai's report is substantially a repitition of his decision. The Northern Superintendent also adds his

opinion

opinion that the Taotai's decision is perfectly just.

I have written to Mr. Bandinel advising him to press the points to which I have directed the attention of Prince Kung: first, that the pilot boat had a perfect right to be where she was even if she was in motion; second, that, as the pilot boat was hove to, any one familiar with nautical matters must know that she could have little or no headway; and, third that, as the junk by the confession of her master had no light on her bow or in front of her sail, she is properly

properly responsible for the disaster.

It is to be feared that, as the Northern Superintendent has already officially expressed his approbation of the Taotai's decision, it will be difficult to change the opinion of the Taotai.

As the pilot boat was old and ten years ago cost Mr. Smith only $3,500 it is not improbable that his claim for $1,900 damages is too great. I have recommended Mr. Bandinel, should the Taotai be inclined to allow any damages to Mr. Smith, to give favorable consideration to any reasonable

reasonable proposition.

As the Chinese can hardly be said to have well defined maritime usages, to say nothing of admiralty law, which can be appealed to in cases like this, the difficulties encountered in obtaining justice are very great.

The papers connected with this case are so voluminous that I do not send them all. I believe that I have given you a correct idea of all the facts essential to an understanding of the subject.

Trusting that my course may meet with the approval

of

of the Department

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell

Enclosures.

1. Mr. Bandinel to Mr. Angell
   No. 59. December 18th, 1880.
2. Mr. Angell to Prince Kung
   107/1886. December 31st, 1880.

Despatch No. 119.
Enclosure 1.

Mr. Bandinel to Mr. Angell.
No. 59/696. December 18th, 1880.

Sir:—

At the request of Mr. A. J. R. Smith, an American citizen and Licensed pilot at this port, I have the honor to enclose for Your Excellency's consideration papers and correspondence relative to a claim preferred by him in the Taotai's Court for $1900. compensation for damages sustained by his sloop the "George F. Seward" in a collision with a Tientsin junk called the "Li Tung Yi".

The Taotai having decided adversely to this claim Mr. Smith gave notice of appeal to Peking, and now respectfully solicits Your Excellency to use your influence with the Tsung li Yamen to obtain a reconsideration of the case: as he considers that the decision given is against the evidence even of the Defendant, and that (owing in great measure to the Chinese Magistrates and the Interpreter being ignorant of nautical matters) a miscarriage of justice has occured.

I am, &c, &c,

(signed) J. J. F. Bandinel.

Despatch No. 117.
Inclosure 2.

107/1880.

Mr. Angell to Prince Kung.
December 31st, 1880.

To His Imperial Highness Prince Kung.

An appeal has come up to me through the United States Vice Consul at Newchwang, Mr. J. J. F. Bandinel, from the decision of Hsü Chang, Taotai, in a case of collision between the pilot boat "George F. Seward", owned by Mr. A. P. R. Smith, an American citizen, and the Chinese vessel "Ji Jung Yi" of Tientsin, commanded by Chang Fu Chêng; Mr. Smith, believing that injustice has been done him through the lack of familiarity on the part of the Chinese Magistrates with nautical matters, asks me to secure from you a reconsideration of the case. I have carefully examined the evidence laid before the Vice Consul and before the Chinese Court and I think Mr. Smith's dissatisfaction with the Taotai's judgment is well founded.

I

I therefore beg to invite Your Imperial Highness's attention to the facts.

About 4 O'clock on the morning of Octobre 3rd last the pilot-boat was about to li from the light-boat below Newchuang. The wind began to blow violently from the Northwest. The boat was turned head to the wind and the maincail was lowered so that it might be reefed. The jib was already reefed. Any one familiar with nautical matters Knows that a vessel so situated does not move forward, but lies tossing gently on the waves, Her light was burning brightly at her mast head. So testifies not only Mr. Blackford, who was in command, but also the Chinese sailor Lin Yuan Ting, when examined by Mr. Bandinel. His exact words are "we had a light in the mainmast which was broken by the collision".

While the pilot boat was in this condition and the sailors were at work

reefing

reefing the mainsail, suddenly the junk "Ti-Tung-Yi", with her mainsail and foresail both spread, and carrying no light which could be seen in front of her, came down upon the pilot boat and both vessels were damaged by the collision.

They both sailed to Newchwang. Mr. Smith employed two experienced captains to survey his vessel and they estimated that it would cost $1900 to repair her. He accordingly brought suit to recover that amount of the master and owners of the "Ti Tung Yi."

The Taotai did not try the case himself, but deputed two of his subordinates, Suan and Lee, to try it. He decided that each vessel should be charged for its own repairs and that the master and owners of the junk need pay nothing to Mr. Smith.

The Taotai admits, as indeed the testimony of the master of the junk most clearly shows, that the only light on the junk was hung behind (the

the mast so that a vessel ahead could not possibly see it, and therefore that the junk was in fault.

But he holds that the pilot-boat could not have been stationery, but must have been in motion and therefore was in fault.

On these grounds his decision rests:—

But surely the pilot boat had a right to be in motion at that place. So that even if she were, the collision must be charged to the junk which carried no light. The evidence however of the Chinese sailor Tien-chao-shun is positive that the boat was hove to and stationery. So is that of Captain Blackford. And, as I have said above, a vessel in her situation could have little or no headway. It seems to me clear beyond doubt that the collision was due to the fact that the junk had no light at her masthead or in her bows. Had she carried such a light the pilot boat could

have

have avoided her. Therefore the junk should be held in damages for the injury done to the pilotboat.

I beg you to examine the case and to order justice to be done.

As the Taotai has been notified that this appeal would be taken, I suppose he has sent you the record of the trial.

With assurances of the highest consideration,

I am, etc.,

(signed) James B. Angell,

No. 118. One Enclosure.



Legation of the United States.
Peking, February 23d, 1881.

James B. Angell to
the Secretary of State.

Subject.

Salary account for 10 days en route.

Synopsis.

Refers to instruction number 53. and covers a statement of salary for ten days from July 30th 1880. to August 9th, 1880.

No. 118. One Enclosure.

Legation of the United States.

Peking, February 23rd, 1881.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Referring to your instruction number 53. by which I was authorized to draw my salary continuously and without any deduction of the time actually consumed in my journey to this Capital, I have the honor to inform you that I have drawn for the ten days enforced detention, and I enclose a statement of the

1/118

the account herewith.

I beg to express my thanks for the considerate action of the department in this matter.

I have the honor to be,

Sir,

Your obedient servant.

James R. Stuyll

Enclosure.

1. Statement of salary account for ten days from July 30th 1880. to August 9th, 1880.

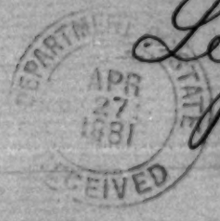
Inform Navy Dept.

Apr. 30. 1881.
Mr. Cister

Respectfully referred to the Secretary of the Navy for his information.

Loaded

No. 119.



Legation of the United States.
Peking, February 26th, 1881.

James B. Angell
to
the Secretary of State.

Subject.

List of signal letters for Chinese merchant vessels.

Synopsis.

Replies to Department instruction of December 20th, 1880. that no such system has been adopted by the Chinese.

No. 119.

Legation of the United States.

Peking, February 26th, 1881.

Honorable William M. Evarts.

Secretary of State.

Sir:-

In response to the request which, at the instance of the Secretary of the Treasury, you make in your instruction number 1. that I apply to the Government of China for three copies of the latest lists of the signal letters by which its merchant vessels are distinguished, I have the honor to say that no such system

system has yet been adopted in China.

The steamers of the China Merchants Steam Navigation Company which are commanded by foreigners, several of them Americans, use the Commercial Code.

I have the honor to be,
Sir,
Your obedient servant.
James R. Angell.

Letter approved. Copy to Mr. Cridler

Ack + approve C. P.

wade

No. 120. Two Enclosures.

Legation of the United States.

Peking, February 28th, 1881.

DEPARTMENT OF STATE
APR 27 1881
RECEIVED

James B. Angell to the Secretary of State.

PRINTED. FOREIGN RELATIONS 1881

S.

Subject

Change in rules for chartering junks on the Yangtze.

Synopsis.

Gives in detail the circumstances, a report of an interview with the Foreign Office, an opinion that the new procedure is contrary to Treaty, and states that concerted action is likely to

To be taken by the Diplomatic Body.

No. 120. Two Enclosures.

Legation of the United States.

Peking, February 28th, 1881.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I desire to call your attention to a change which the Chinese Government has recently made, and made in an objectionable manner, to the regulations for the chartering by foreigners of junks on the Yangtze river.

I enclose a despatch No. 120. from Mr. Consul Shepard of Hankow which gave me my first

first information on the "
subject, and which states
very clearly what has happened
at Hankow.

It appears that ever
since the "Revised Regulations
" of Trade on the Yangtze Kiang"
(for which see Hayes' Treaties
pp. 209-211.) which went into
effect in January 1863., the
regular course of business in
Chartering and despatching junks
has been substantially as "
follows: The original charter
party, in Chinese and in
English, was deposited in the
Consulate. The Consul then
made an application to the
foreign Customs for a "

" Special

"special junk pass" for the
charterer. On the presentation
of this paper to the customs
the charterer was allowed to
ship his cargo. He then
received from our Consul
a clearance on which it
was expressly stated:- "The
"United States flag is not to be
"raised on the junk". He
was then furnished by the
foreign Customs, 1st a river
pass and arms certificate,
2nd a cargo certificate in
English and Chinese, 3rd,
a duty paid receipt and a
loundge dues receipt in one
document, and, 4th, a bond
certificate. Provided with these
documents

documents the junk proceeded on her voyage down to Chinkiang with no further detention at Customs stations and Likin barriers than was necessary to examine her papers. But if she lacked any one of the above named papers she was liable to be detained or even turned back.

This procedure has been followed for about 18 years.

On the 29th of November last, Mr. Jenkins, an American citizen, who has been engaged in chartering junks at Hankow found to his surprise on applying to one of the shipping

hongs

hongs that the native owners had been notified, as they said, that hereafter they & would be required to pay port dues along the route on a junk chartered by a foreigner, and that they would be held responsible for & lekin dues on the cargo at every barrier, even though it had paid duty at the foreign Customs.

Bear in mind that no notice of any contemplated change in the regulations had been given by the Provincial Authorities to our Consul, or by the Tsung li Yamen to the Foreign Ministers.

On

On the 6th of December
2/120. a proclamation, a copy of
which is enclosed, from
the Hsu Chang Prefect was
posted on the walls of Hankow,
notifying boat hongs and
boat owners that the owners
of junks must pay the port
dues to the native customs
even when the junks are
chartered by foreigners.

On the 8th of December
Mr. Jenkins learned on
inquiry at the foreign Customs
that they would not receive
tonnage dues on chartered
junks nor would they note on
the papers they should issue
the payment of such dues to
the

the native Customs. Some correspondence ensued between the Consul and the Commissioner of Foreign Customs which it is not necessary to dwell upon here further than to say that, in answer to an inquiry by the Consul the Commissioner informed him in a brief note that no change had been made except the adoption of the procedure described in Article VI of the Yangtze Regulations, namely the levying of port dues instead of tonnage dues, and when the Consul rejoined giving the substance

of

of the reports which the junk owners had brought of the intended detention of chartered junks, and of assessment of levies on the cargoes at every barrier, the Commissioner, very improperly as I think, omitted to make any reply.

December 24th, Hoo, Taotai of Hankow, sent the Consul a despatch which, substantially in the language of the Prefects proclamation above referred to gave him notice of the change in the regulations, and on December 27th the Consul received a similar despatch from the

Chang

Lchang Taotai. Accompanying
the latter were extracts from
correspondence had in 1877
between the Foreign Office
and Mr. Fraser, then H. B.
Majestys Chargé d'Affaires
at Peking, concerning the
levying of port dues on a
native boat, in which an
Englishman and his family
reached Ichuu. The
conclusion of the correspondence
is not given, but the British
Minister has promised to
obtain it for me. In its
present form it is of no
value, and therefore I do not
transmit it to you.

You will observe

in

in reading the Prefect's proclamation that the orders of the Tsung li Yamen reached him on the 6th of November, and yet it was not until the 24th of December that the Taotai of Hankow wrote to our Consul on the matter.

It is probable that the Chinese have been prompted to their action by their desire to correct certain abuses which have sprung upon the Yang tze. It is also highly probable that the Government has been defrauded by foreigners selling their names to Chinese in chattering junks and seeming transit

transit passes which & prevented the levying of port dues and lekin. Of course we do not object to their suking a remedy for this trouble. We are bound to do what we can to prevent our citizens from becoming parties to any such fraud. But remedies must be sought in consonance with the treaties. Mr. Consul & Shepard in his number 357, to the Taotai, referred to in his despatch, quoted the stipulations concerning the hiring of boats, which are found in the several treaties, and made substantially the

summary

summary of principles which
is found in his despatch.

After learning from
my colleagues of the
diplomatic corps that none
of them had received from
the Tsung li Yamen any
announcement of the new
regulation, I sought an
interview with the Foreign
Office, and on the 13th inst
instant had a long
conference with them on the
matter under consideration.

I began by
inquiring whether any new
regulation had been made
by them concerning the
chartering of junks by foreigners.

They

They said "no", but an old one had been enforced. I asked if it had been enforced during the last seventeen years. They admitted that it had not been. I asked if the Provincial Authorities were not derelict in not informing our Consul of so important a change until seven weeks after they had received their information. They said "yes". I then asked if they did not think that it would have been better for the Tsung li Yamen to inform the foreign Ministers at the outset, so that the Ministers could notify their Consuls

Consuls, or make objections if they had any to make. They were less willing to condemn themselves than they had been to condemn the Provincial Authorities. They argued that the regulation concerned natives alone, not the foreigners. Of course I reminded them that it very deeply concerned foreigners who chartered junks, and that to make so important a change in a procedure which had been recognized for seventeen years without giving the Ministers and Consuls timely notice was a step well calculated to cause trouble.

I

I then sought to ascertain what their order really was. They referred to frauds which had been practiced, and said that the requirement is simply that the native owners must pay port dues according to Chinese law. This requires, you will remember, that a native boat pays port dues at every port she enters, while by the treaties foreign vessels engaged in the coastwise trade pay only once in four months, no matter how many ports they enter. They assured me, however, contrary to Mr. Shepard's apprehensions, that the

the regulation does not in any way change the status of a cargo on which the foreigner has paid duties, that such a cargo is not to be subjected to lekin anywhere on the voyage if the shipper has all the proper papers as before except the certificate for the payment of tonnage dues. The boats, they said, might be stopped at Kiukiang and Wuhu for port dues, to be paid by the owners.

They argued that their action was sustained by Article VI. of the Yangtze Regulations, a part of which

Copy.

"Article VI. Native craft,
"owned or chartered by British
"merchants, will pay duty on
"their cargo at the rates
"leviable on such cargo
"under the Treaty tariff. All
"such craft will further
"have to be secured by bond
"in the manner laid down in
"the Provisional Rules published
"on the 5th December 1861., and
"on entry into any port will
"pay port dues according to
"Chinese tariff." x x x

I asked them how
they could reconcile their
new regulation with the
following clause in the

(amended)

(amended) twenty second Article of the French Treaty of Tientsin, which amended Article was adopted in 1865, two years after the adoption of the Yangtze Regulations:-

"Native craft, chartered by
"French merchants, shall in
"like manner (i.e. to French
"vessels) pay tonnage dues
"once in every four months."

It would seem that they had forgotten or overlooked this provision. For at first they denied that there was any such provision. But when the Treaty was brought they could of course deny no longer. They admitted that the

the matter deserved consideration. After some reflection and consultation they intimated that this might not apply to the Yangtze ports but only to the seaports. On my requesting them to show me the authority for any such exemption they were unable to do so. I told them in conclusion that I would not press the point any further at that time, but I begged them to give the matter their careful attention. I chose to drop it there for the time because the other foreign Ministers have evinced much interest in the subject, and it

it is not improbable that some joint action may be taken which would be more likely to secure a result than my unaided prosecution of the matter.

In reviewing the subject it is clear, I think, that, even if the action of the Government in changing the usage of eighteen years is justifiable at all, the neglect of the Tsung li Yamen to inform the Foreign Ministers of their decision and the neglect of the Provincial Authorities promptly to inform the Consuls of the orders received from

Peking

Peking are deserving of grave censure.

Further, it is my opinion that the adoption in 1865. of the amended Twenty Second Article of the French Treaty supersedes the sixth Article of the Yangtze Regulations so far as this sixth Article is irreconcilable with it. I have reason to believe that most, if not all, of the foreign Ministers here will agree with me on that point. We shall probably soon have a consultation on the subject. Until we have conferred I shall defer action.

Meantime

Meantime I am
informing Mr. Consul Shepard
of the details of my interview
with the Foreign Office, and
am authorizing him to
inform our citizens of the
assurance which the Foreign
Office has given me that
the cargoes of foreigners, when
shipped in junks, are not
to be subjected to levies if
the duties have been duly
paid. Of course such a levy
would be the most flagrant
violation of the treaties.

I have, however, called
the Consuls attention to the
need of exercising the utmost
vigilance to prevent any of
our

our citizens from becoming parties to such frauds as may have stimulated the Chinese Government to take the action complained of.

I have the honor to be,

Sir,

Your obedient servant.

James B. Angell.

Enclosures.

1. Mr. Shepard to Mr. Angell No. 55. January 14th, 1881.
2. Proclamation of the Kuchang Prefect. December 6th, 1880.

Despatch No. 120.
Enclosure 1.

Mr. Shepard
No. 55.

to Mr. Angell.
January 14th, 1881.

Sir:—

I have the honor to transmit herewith to Your Excellency inclosures appertaining to the subject matter of this despatch, twelve in number, marked respectively A. B. C. D. E. F. G. H. & No. I. & I.2 to be referred to in the course of this communication.

Since my response in No. 53. to your inquiries in your No. 4. of October 11th. 1880; regarding "Tonnage Dues" &c. circumstances of an important nature have transpired here and along the river ports, seriously and injuriously affecting foreign interests, interfering in what has for years been recognized as legitimate commercial enterprize, and as I think warranted, and intended to have been secured by the various Treaties. At the expense of some prolixity, I feel it incumbent on me to explain the whole matter to Your Excellency, that such steps as may be wise and called for in the exigency may be undertaken with full intelligence of the

facts

and their bearings.

In the early months of last year, 1880. H. B. M. Consul Alabaster discovered what he deemed, and I presume were, irregularities in the dealings of certain of his constituents with native Chinese. The alleged irregularities consisted in selling the name of the British subject to certain natives, to be used by them in securing, under British protection, Transit passes for merchandize outward and inward, Charters for junks, and all similar privileges guaranteed to foreigners by the Treaties. Without commenting on the method of procedure against the parties, both foreign and native, I may say that the matter created a good deal of excitement and resulted in a general suspicion against all foreigners in like business on the part of the native officials and an interference on their part, with lawful and honorable transactions. Formulated complaints were made to me by the Taotai against the American traders here, Messrs M. C. Jenkins and Wadleigh and Emory; I

(gave

gave them such candid examination as I could without books or witnesses to substantiate the charges, and found no sufficient evidence that either honorable principles of trade, or Treaty privileges had been violated by them, and especially not by Mr. Jenkins, who has been in business here for many years. I refer to the affair not only to give you an idea of the probable origin of the present wrong, but to introduce to your attention an extract from my No 357 to the Taotai of Oct. 14, 1880. in answer to his complaint (made verbally) which will open the whole subject. (see inclosure marked A.)

In facilitating the "Chartering of Junks" and the shipment of cargo on the river, the method of procedure has been as follows:- I required from the charterer to be deposited in the Consulate, the original Charter-party, in Chinese and English, of every junk it was proposed to load. This I required as an equivalent for the "deposit of a ship's papers." I then gave a letter to the foreign customs, a form

(of

of which is inclosed. Marked B. The charterer on presentation of this letter, was permitted to ship his freight, and when this was completed he applied to me for a "Clearance" (See inclosure marked "C"). He then obtained from the foreign Customs 1. A River pass and Arms Certificate, 2. A Cargo Certificate in English and Chinese, 3. A duty-paid Receipt, and a Tonnage Dues Receipt on one document, and 4. A Bond-Certificate. With these papers, the junk was protected on her entire voyage (usually made from Hankow to Chingkiang) and was free from interruption by the various Lekin and Customs stations passed, except for the examination of the papers. In this respect the chartered junks were on an exact footing with Lorchas and Steamers doing similar business, as the Treaties undoubtedly intended they should be. But if a junk lacked any one of the documents above noted, she was detained at any station where the omission was discovered until she could procure it, and was liable to be turned back to the port

(of

of departure. This method has been in unquestioned operation under the "Regulations for Trade on the Yangtsze" continuously since January 1st, 1863. when the Foreign Customs were first established here.

On the 29th November, 1880. Mr. Jenkins applied to one of the native junk shipping hongs through whom all charter parties are made, to charter a junk, as he had done for years. He was told they could not charter a junk, that the hongs had been summoned before the Sub-Prefect, acting under the Taotai, and made to give written assent to a notification read to them, that hereafter the junk owners would be required to pay what is known as "Port dues" at the stations along the route, whenever a junk was chartered by a foreigner, and that they would be held responsible for all dues known as "Lekin" at all stations passed on all cargo found on board, although it had paid duty according to the foreign tariff at the "Foreign Customs", and they could further be liable to punishment

for

for attempting to smuggle.

On the 6th of December, 1880, there was posted on the city walls a "Proclamation" which is inclosed with its translation, marked "D-1" & "D-2" and you will notice that it substantially supports the statements of the junk owners; for although the payment of "boat-dues" by the owners is specifically mentioned, yet that payment to the native customs takes the vessel out from under the jurisdiction of the Foreign Customs, makes the vessel purely a native craft, and therefore subjects her cargo to whatever exactions the multiplied Lekin stations along her route may choose to impose. Whether such exaction (never determinate) were little or much, or whether the "boat dues" were exorbitant or otherwise, at the various stations, the conditions utterly preclude the chartering of a junk by a foreigner, first, because the junk owner can never know what the exactions from him may be on either boat or cargo, and

second

second, because he is strictly forbidden to allow the foreigner to pay them, either by advancing the price of the charter or by an agreement to refund whatever amount may be paid en route.

On the 8th December Mr. Jenkins was informed by the clerk in charge of the export and clearance desk at the Foreign Customs, that they would not in future receive from him "Tonnage Dues" on chartered junks, but he must bring to them instead a "Port Dues" receipt from the native Customs; that it would not be considered a Customs document, to take the place of the Tonnage Dues receipt, nor be noted on the papers, as it was not paid to the Customs. Mr. Jenkins replied that as a foreigner he could not recognize any but Foreign Customs in his shipping business, nor be required to hunt up native officials. He asked to see and to have delivered to him a copy of the order which was refused him, as the order was not in writing, nor posted, as all similar notifications have (invariably

invariably been, but was only a verbal instruction from the Commissioner to the Clerk – but no junk clearance from the Customs would be given him, except the native receipt for port dues was produced first.

For some inexplicable reason no notice whatever was communicated to the Consul of so important a change, either from the Foreign Customs or from Native authorities. I knew of the "proclamation" and sent my scribe into the street to copy it, whence my transcript of it. After waiting more than two weeks thereafter for official information and receiving none. I wrote my N° 364. of Dec. 19th to the Commissioner (see inclosure E.) The same day I received his reply (marked 7) and answered it (Enclosure 8) To my No 365. The Commissioner made no response, leaving me to the unavoidable inference that no real interference with established Custom was contemplated, But I must be allowed to say Mr. White's response is not the full and candid information I asked for, and the conclusions I drew from it are utterly misleading, While they are warranted by the letter itself, the facts deny them all.

Whether

whether it was intended to be sophistical, and to evade the facts I wished to have from authority I will not judge, but I wrote my Nº 365. expressly to show him the legitimate conclusions from his communication, and to give him the opportunity to correct any erroneous inference. He has never replied, even to acknowledge receipt of my last despatch, although I know he received it. I will not comment on his silence farther than to observe that in 6 years experience in China, it is the first instance in which full information has been withheld from me on any official topic where information was asked for, from officials of any nationality. I regret, if Mr. White has done so, that any foreigner in Chinese service, should at all imitate the native character for official prevarication. He certainly knew what the actual, as well as the nominal effect was, and what was intended to be compassed by it. The secrecy and silence of the whole movement is suggestive, to say the least, I doubt if Mr. Inspector General Hart

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gave it his ~~official~~ sanction or co-operation.

Soon after the correspondence with the Commissioner, the Tsotai condescended to give me information of the abrupt change that had been in operation nearly a month. On December 25th, 1880, I received his despatch marked H.7 I do not pretend to explain the long delay. But you will observe that both this communication and the Proclamation carefully exclude, or suppress the correspondence referred to with the Acting British Minister in 1877. which does not support their action. Two days later on the 27th December, I received the Ichang Tsotai's communication, marked I. which covers the portion of the correspondence above noted.

If all the Treaties do not specify both the rate and the duration of Dues for the tonnage of all vessels, the French Treaty certainly does and the XXIII Article of the Prussian Treaty most especially so. These have heretofore been inviolate, and I am at a loss to understand why the Treaties should define rates and

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the Yangtze Rules prescribe different ones for a certain class of vessels. May it not be that the phraseology of the 6th rule, viz: "Will pay port dues according to Chinese tariff" refers to the different method of measuring employed for the native junks? At all events the language does not require payment to be made at native customs, but only at a native rate. The real object of the violent change, however, is to give licence to the native officials to make exactions from both vessel and cargo at all stations on the route of traffic.

I respectfully submit the following topics for consideration as entering into the decision of the matter at issue, and ask Your Excellency's attention to the whole subject, with a view of securing justice, and a proper interpretation of the Treaties, by which a reversal may be effected of the wrongful and injurious change.

1st The treaties give the full right to traffic in the Chinese waters and rivers and between the open ports,

2d - They guarantee protection to foreigners through the Foreign Customs for trade in vessels whether under steam or sail large or small.

3d - They make no discrimination to the prejudice of small vessels whether owned or chartered by foreigners.

4th They affix the rates of tonnage dues and they should be uniform in system.

5th A foreigner cannot be compelled to have business with native customs where foreign Customs are established.

6th Monopolies are strictly prohibited in trade or in vessels.

7th Any onerous, or peculiar exaction on small or native owned craft under charter to foreigners, acts as a monopoly, as it prohibits competition, and diverts and forces all freights towards steamers, the principal lines being in native hands.

8th The assent to the principle that merchandize shipped by foreigners through foreign customs, having paid prescribed tariffs, may thereafter be subject to Likin in process of a voyage, would be an entering

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wedge to end in subjecting goods on all kinds of craft to the same exactions.

9th " The direct result of the last suggested claim would be to drive all foreign shipping from Chinese waters, and establish such exactions upon merchandise as to render trade in foreign commodities impossible,

10th " If the "Yangtze Regulations" afford any warrant for the interpretation and action now developed by the "Proclamation" they should be at once modified, and made to conform to the Treaties in letter and in spirit also.

I have no doubt you will give the matter such earnest and immediate attention as its importance demands. I presume co operation with other nationalities will be desirable. Shipping goods in chartered junks has long been an important branch of business in Chinese hands at this port, and has been conducted in an honorable and justified way. If others have abused the privileges granted to foreigners it affords no sufficient reason for illegitimate

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ways of curbing the evil. The Treaties provide remedies for such abuses. Probably one third of the fees received at this Consulate are derived from the Entrances and Clearances of such junks aggregating about $500. pr. annum. The action taken totally suppresses revenue from this source, besides being a severe and decisive blow at a legitimate business of American citizens. This is a small matter, however, as compared with the ultimate effect upon general commerce, upon trade privileges, and upon treaty rights. I trust you may be able to obtain a speedy revocation of the obnoxious proceedings, apparently by sanction of the Foreign Board, but I can not doubt without the knowledge or consent of our own or other Legations at Peking.

I am, Sir, &c.
(signed) Isaac T. Shepard.

Despatch No. 120.
Enclosure 2.

A Proclamation.

Issued by the Wuchang Prefect.

I am in receipt from Hon. Taotai of Hankow as follows: I have to inform you that I have received the following from H. E. the Viceroy on the 10th November: I am in receipt on the 6th November, 1880, of a despatch from the Tsung-li Yamen as follows: The Yamun is in receipt of a communication from the Northern and Southern Superintendents of Trade (Nanking Viceroy and Tientsin Viceroy) as follows: — We have a petition from the Kiukiang Taotai as follows: —

There is at present a custom among the native traders of fradulently obtaining a permit from a foreign trader, and using it to cover a junk flying the foreigner's flag [i.e. protected by the foreigner's name]. They thus hire a native vessel on which they place their wood or timber, and pay only one duty at the foreign customs at Hankow, and thus pass the Kiukiang Customs without further charge. Thus these junks pass all

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stations along the route free of boat dues.
Your petitioner would request that in future
all junks chartered by foreigners be required
to pay their junk dues according to the
VIth Article of "Revised Regulations of Trade
on the Yang-tsze Kiang", which is that junk
dues are to be paid according to the
native tariff and thus crafty merchants
will have no room to exercise their sharp
practice and the revenue will be
greatly increased. The foregoing being
received by the Superintendents of Trade,
they replied, We will instruct the Hankow
Taotai to furnish information. The Board
having received the above would observe:—
We find Rule VI of Yangtsze Rules of Trade
to be, that junks which are chartered by
foreigners to carry goods, are, on their entry
at a Customs, to pay junk duty according
to Native Rules (or Tariff). This is the
Regulation for foreigners chartering junks.
All the Customs are to carry out this Rule.
During the 3^d year, 4th moon, (May 1877)
an Englishman on board a native vessel
belonging to the Kwang province, on passing

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Wuhu, paid the native junk duty at that place. We arranged with Foo, the sterling British Minister, that the native vessels should pay native junk dues. We farther requested the Minister to instruct the Consuls to issue the needed orders to the traders, that the payment of the boat duty belongs to the native boat owners, and does not concern foreign traders; and that foreigners must not allow the boatmen to impose on them to pay what does not concern them. By acting thus both parties interested will be benefited. We hand to you, the Viceroy, copies of the correspondence so you can issue the proper instructions to the native and foreign Customs that junks chartered in future will pay their dues at the native Customs according to native Rules, and that the foreign Customs are not to collect boat duty. Thus the junk owners will have no excuse nor chance to practice craftiness. The use of foreign flags by natives, to run by the stations for the purpose of defrauding the Revenue, is a very heinous practice, and greatly d

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stations along the route free of boat dues.
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All the Customs are to carry out this Rule.
During the 3d year, 4th moon, (May 1877)
an Englishman on board a native vessel
belonging to the Kwang province, on passing

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to the Revenue, and strict measures should be taken to suppress it. The English and French Treaties contain clauses against such practices. The Consuls interested on being informed would do their duty towards putting a stop to them. Should the Taotai find that natives are using foreign flags, he should bring it to the notice of the Consuls, so they may prevent it, and thus the fraud may be stopped, and the revenue protected. The Board request you to issue the proper orders. This is an important matter. I, the Viceroy, now issue to you, the Taotai, this order for your action. You will inform me of your plan to carry out these instructions. I, the Taotai, having received the above, and having also received a communication from the Northern Superintendent of Trade to the same effect, have issued the proposed order to the Commissioner of Customs, the Deputy at the head Custom House, known as the foreign Customs. I now have to instruct you the Wu Chang Prefect, that in future when junks are chartered by foreigners, my office will

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not collect the boat duty. You are therefore to order the boat owners to pay their boat dues themselves, according to the Native Rules. You are also to give notice to all Customs Stations under your control,

I, the Prefect, now issue this Proclamation to all of you boat hongs, boat-owners and traders, that hereafter when junks are chartered to foreigners, you, the junk owners are to come and pay the boat duty at the different boat dues stations, according to native Regulations. This order is issued in accordance with Article VIth of the "Yangtze Regulations for Trade." I am instructed by the Taotai that the foreign Customs will not collect "boat-duty", but the native Customs will collect it. Therefore you junk owners are in future to pay your boat duty at different Wuchang stations. You are not allowed to use foreign flags for your private use to run by Customs stations and thus evade the payment of dues. All who do not obey will be severely punished.

Important Notice,

Dated December 6th, 1880.

Note by the Consul. The foreign flags referred to in the foregoing are simply and only the Home flag, or designation of the foreign charterer of the junks. Every clearance that has been given has on it in prominent type, the words — "The United States flag is not to be raised on the junk", and the prohibition has not been violated.

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